

## ARTICLE II. DWELLING DISTRICT REGULATIONS

### Sec. 731-200. General dwelling district regulations.

The following regulations shall apply to all land within the dwelling districts.

#### (a) After the effective date of this ordinance:

**(1) With the exception of legally established nonconforming uses**, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance. Signs, however, are regulated by Chapter 734 of this Code.

**(2) A lot may be divided into two (2) or more lots**, provided that all resulting lots and all buildings thereon shall comply with all of the applicable provisions of the Dwelling Districts Zoning Ordinance of Marion County. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.

**(3) No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated** except in conformity with these regulations and for uses permitted by this ordinance with the exception of signs, which are regulated by Chapter 734 of this Code, and of the following provisions:

#### **a. Restoration of legally established nonconforming uses, structures, buildings.**

Legally established nonconforming uses and structures or buildings may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other disaster provided the damage or destruction does not exceed two-thirds ( 2/3 ) of the gross floor area of the building, structure or facilities affected; except, however, all land within any flood control district shall, also, be subject to the requirements of section 735-300 through section 735-310 of this Code.

**b. Discontinuation of nonconformity.** The lawful nonconforming use or occupancy of any lot, in a dwelling district, existing at the time of the effective date of this ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the provisions of this ordinance.

**c. Legally established nonconforming uses; public schools.** Any legally established nonconforming use public elementary, middle, junior high or high school (including any structures, facilities and parking areas accessory thereto) may be converted, enlarged, extended, reconstructed or relocated for such public school use on the same lot or parcel as it existed on August 8, 1966, provided such school building, structure, facilities and parking area shall conform to the minimum yard and setback requirements of the applicable dwelling district.

#### **d. Yard setback exceptions:**

**1. Established front setback exception/averaging.** In any block in which an existing front yard depth and setback is established (by existing legally established buildings within a Dwelling District) for more than twenty-five (25) percent of the linear frontage of the block (or a distance of two hundred (200) linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure shall be the average of such established front yards if such dimension is less than the minimum required minimum front setback established by this ordinance.

**2. Expansion along an existing, legally established nonconforming front setback line.** The minimum required front setback in any Dwelling District for any existing building, having a legally established front setback which is less than the required setback of the district, shall be modified to permit expansion of such building along its existing established front setback, provided that:

- i. Only a one-time expansion along the legally established nonconforming front setback line shall be permitted; and
- ii. The linear front footage of expansion does not exceed fifty (50) percent of the linear front footage of the original building, and all other requirements of this ordinance are maintained for the expansion.

Provided: For both 1. and 2. above, however, in no case shall a building or structure:

1. Encroach upon any proposed right-of-way, as determined by the Official Thoroughfare Plan of Marion County, Indiana;
2. Encroach upon any existing right-of-way; or
3. Encroach into a clear sight triangular areas, as required in section 731-221(c)(1).

**3. Side and rear yard setback exceptions.** The minimum side and rear yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 (for a lot containing a single or a two-family dwelling unit) Districts shall be subject to the following:

- i. Primary buildings: The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear setback line of the primary building provided that the linear footage of such enlargement or extension: a. does not exceed fifty (50) percent of the linear footage of the primary building along that side setback line, or b. be a one-time only expansion along the legally established setback line.
- ii. Detached accessory buildings.
  1. Legally established, detached, accessory garages may be reconstructed on an existing foundation, even though such reconstruction would not comply with required side or rear yards.
  2. An accessory building may be enlarged or extended along a legally established nonconforming side or rear yard provided that the linear footage of such enlargement or extension: a. does not exceed fifty (50) percent of the linear footage of the accessory building along that side or rear setback line; b. be a one-time only expansion along the legally established setback line; and, c. such enlargement or extension shall not encroach into any required yard other than the existing nonconforming side or rear yard along which the enlargement or extension is occurring.

**e. Lot area, lot width exception.** Any lot recorded or any platted lot recorded prior to the adoption of this ordinance, having less than the minimum lot area or minimum lot width required by the applicable dwelling district regulations of this ordinance for a single-family dwelling, shall be deemed an exception to such minimum lot area and lot width requirement, and a single-family dwelling may be constructed thereon provided all other requirements of this ordinance, including minimum yard and setback requirements, shall be maintained.

**f. Reserved.**

**g. D-6 and D-6II district single-family exception.** In the D-6 and D-6II districts, a single- or two-family dwelling, including accessory structures, may be constructed, erected, enlarged, extended, or reconstructed on any platted lot recorded prior to the adoption of this ordinance which was specifically platted for single-family dwelling purposes. Such development shall be in accordance with the approved plat, any restrictions thereof, and any commitments resulting from the rezoning of such lot.

**(4) The front, side and rear setback and minimum front, side and rear yard requirements of all dwelling zoning districts shall be subject to the following exception for all land within the Town of Meridian Hills, Indiana:** The required front, side and rear setback and minimum front, side and rear yard requirements applicable to all land within the Town of Meridian Hills, Indiana, however presently zoned, shall be not less than the standards of the class R-1, R-2, and R-3 area districts, respectively, previously applicable thereto as said land was formerly zoned, in accordance with the Meridian Hills Zone Map and section 12 of the Zoning Ordinance of the Town of Meridian Hills, Indiana, General Ordinance No. 1, 1946, prior to the effective date of the comprehensive Dwelling Districts Zoning Ordinance of Marion County, Indiana, Ordinance 66-AO-2, which rezoned and reclassified said land. (Said Zoning Ordinance of the Town of Meridian Hills, Indiana, section 12 and Meridian Hills Zone Map, adopted by the Marion County Council March 28, 1957, as a part of Marion County Council Ordinance No. 8-1957, are hereby incorporated herein by reference). [G.O. 3, 2007]

**(5) Secondary means of escape.** Any secondary means of escape which includes, but is not limited to, fire escapes or similar emergency accesses, shall be located on the rear or side facades of the building or structure. In the case of a building or structure located on a corner lot, the secondary means of escape shall not be located on the facade of any building or structure which has frontage along a public or private street.

**(6) Side yard setback; zero (0) lot line option.** The minimum side yard setback requirements of the D-S, D-1, D-2, D-3, D-4, D-5, and D-5II zoning districts shall be subject to the following exceptions: Any plat of a subdivision submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce the minimum side yard requirement for one (1) side yard of each lot to zero (0) feet provided that:

- a. A minimum distance of ten (10) feet shall be required and maintained between all buildings on adjacent lots; and,
- b. No windows or doors shall be provided or maintained on that portion of the structure which reduces the required side yard by use of this exception; and,
- c. The aggregate side yard(s) is provided on the lot according to the applicable dwelling district regulations; and,
- d. An easement, providing for the continual maintenance of that portion of the structure which reduces the required side yard by use of this exception, is provided, recorded and maintained.

**(7) Exceptions to dwelling district development standards for the development of cluster subdivisions.** In any plat of a subdivision recorded after January 1, 1990, in the D-S, D-1, D-2, D-3 and D-4 zoning districts the following exceptions shall apply. Any subdivision, the plat of which is submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, may be developed as a cluster subdivision in accordance with the following:

- a. Purpose.** Cluster subdivisions are intended to allow greater flexibility in design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit

common area and open space. To accomplish this purpose, the following regulations and exceptions shall apply only to cluster subdivisions.

**b. Exceptions to dwelling district development standards.** Exceptions to the development standards relating to the subdivision's lot size, shape and dimensions may be permitted for individual lots within a cluster subdivision, as follows:

1. Project area (minimum size of subdivision). There shall be a minimum of five (5) acres required for the development of a cluster subdivision. The tract of land to be developed shall be in one (1) ownership or shall be the subject of an application filed by the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.
2. Project density. The overall maximum density of the proposed cluster subdivision shall remain the same as that permitted by developing the same site area into developable lots in full compliance with the applicable underlying dwelling district regulations and the Subdivision Control Ordinance of Marion County, Indiana.
3. Sewers. Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any cluster subdivision with a minimum lot area of less than twenty-four thousand (24,000) square feet.
4. Area, width, setback, and open space for individual lots. Individual lots in a cluster subdivision are exempt from the following development standards of the applicable dwelling district:
  - i. Minimum lot area.
  - ii. Minimum lot width.
  - iii. Minimum lot width at setback.
  - iv. Minimum side and rear yard setback regulations. Minimum side and rear yard setback regulations may be modified by the following:
    - Setback from any subdivision boundary property lines: Twenty (20) feet.
    - The minimum rear yard setback: Fifteen (15) feet.
    - The minimum side yard setback shall have a minimum depth in accordance with section 731-200(a)(6), Side yard setback; zero (0) lot line option, with the exception that provision 200 (a)(6)c. shall not apply when utilizing the cluster subdivision exception.
  - v. The minimum street frontage. Minimum street frontage may be reduced to fifteen (15) feet provided, however, that each individual lot shall have direct access to a public street, and,
  - vi. Minimum open space. Individual cluster lots shall have a minimum open space of fifty (50) percent.
5. Project open space. The amount of permanent open space created by the development of the site as a cluster subdivision shall be equivalent to, or more than, the total reduction in lot sizes. At least seventy-five (75) percent of the total amount of open space shall consist of tracts of land at least fifty (50) feet wide. The open space created by the development of the site as a cluster subdivision shall be provided in such a manner that it is preserved in its naturally occurring state for passive recreational activities. A subordinate amount of this open space may be developed as a common recreational area. The open space created by the development of the site as a cluster subdivision shall further be provided in such a manner that it is accessible to residents of the subdivision and for maintenance. The open space shall perpetually run with the subdivision and shall not be developed or separated from the cluster

subdivision at a later date. Provisions shall be made for continuous and adequate maintenance at a reasonable and nondiscriminatory rate of charge.

**c. Procedures for cluster subdivision approval.**

1. The petitioner shall submit two (2) site plans for the property proposed for a cluster subdivision for review and conceptual design approval by the Administrator prior to filing for plat approval.
  - i. Site plan 1 shall depict the development of the site in full compliance with all use and development standards of the applicable underlying dwelling district and the Subdivision Control Ordinance of Marion County, Indiana. This site plan will be used to determine the maximum number of developable lots possible on the site and set the density of that development.
  - ii. Site plan 2 shall depict the development of the site as a proposed cluster subdivision. The density of the overall development shall be no greater than that permitted by the development of the site depicted in site plan 1.
2. The Administrator shall compare the proposed cluster subdivision with the site plan showing the same site developed in compliance with the applicable dwelling district and determine the appropriateness of cluster design for the site.
3. In determining the appropriateness of cluster design for the site, the Administrator shall look for the following attributes:
  - i. Protection of unique topographical features on the site, including but not limited to slopes, streams, natural water features.
  - ii. Protection and preservation of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features.
  - iii. Development of common open space and recreational areas accessible to residents of the subdivision including provisions for walkways and bikeways.
  - iv. Providing a more efficient use of the land.
  - v. Producing innovative residential environments.
  - vi. Minimizing the alteration of the natural site features to be preserved through the design and situation of individual lots, streets, and buildings.
  - vii. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
  - viii. Relationship to surrounding properties, improvement of the view from and of buildings, and minimizing of the land area devoted to motor vehicle access shall be encouraged through the arrangement and situation of individual lots, buildings, and units.
4. The Administrator shall further review the proposed cluster subdivision to ensure that the proposed cluster development will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations, to

include any necessary transition along the perimeter of the development with adjacent single-family zoning districts.

5. If upon review, the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is not appropriate for the site, the Administrator shall inform the petitioner in writing of the determination. The petitioner may, within five (5) business days, appeal the Administrator's decision by filing an approval petition before the Metropolitan Development Commission.

6. If upon review the Administrator, based upon the attributes noted above, determines that the proposed cluster subdivision is appropriate for the site, the Administrator shall:

1. inform the petitioner in writing of the determination; and,
2. send a copy of that letter to the applicable registered neighborhood organizations.

The petitioner may then proceed with the filing of a preliminary plat before the Plat Committee. The filed plat shall be in substantial compliance with the proposed plat approved by the Administrator. The legal notice for the public hearing of the Plat Committee regarding such a preliminary plat shall indicate clearly that the request is for a cluster subdivision.

**d. Maintenance of common open space areas.** As a condition of Administrator's approval of the cluster subdivision permitting exceptions to the standard requirements of the applicable zoning district, the petitioner shall submit with the site plan for review and approval documentary assurances that permanent dedication of the open space areas shall be made and that adequate provision(s) is being made for continuous and adequate maintenance of project open space, common areas and recreation areas. Once approved by the Administrator, the documentary assurances shall be filed with the Plat Committee at the time a petition for plat approval is initiated. Further, the documentary assurances shall be incorporated in the plat that is recorded with the Office of the Marion County Recorder. No exceptions to these requirements shall be permitted unless the Plat Committee determines that the petitioner has adequately provided for such upkeep, protection and maintenance of open space, common area or recreational areas through other legally binding perpetual agreements.

**(8) Requirement for group homes for the mentally ill.** In any Dwelling District, a group home (as defined in section 731-102) for the mentally ill shall be excluded from a residential area if the group home is located within three thousand (3,000) feet of another group home for the mentally ill, as measured between lot lines.

**(9) Legal establishment of nonconforming uses that were not legally initiated prior to April 8, 1969.**

a. A nonconforming use in a district of the Dwelling District Zoning Ordinance (as adopted by the Metropolitan Development Commission under docket number 66-AO-2) shall be deemed to be legally established (relative to both use and development standards) if the use:

1. Existed prior to April 8, 1969; and
2. Has continued to exist from April 8, 1969, to the present; and
3. Has not been abandoned; and

4. Of the entire building has not been vacant voluntarily for any period of three hundred sixty-five (365) consecutive days.

A certificate stating the use and development of a property are legally established under this section shall be available from the Administrator on the presentation of sufficient evidence. The Rules of Procedure of the Metropolitan Development Commission shall outline the procedure to be followed in order to obtain an official certificate.

b. Any construction, erection, conversion (including, but not limited to the addition of dwelling units), enlargement, extension, reconstruction or relocation occurring after April 8, 1969, have been done in conformity with these regulations and have been done for uses permitted by this ordinance. Any such future activity shall not be permitted except in conformity with these regulations and for uses permitted by this ordinance.

c. This subsection 731-200(a)(9) shall:

1. Have no effect upon the powers of the Consolidated City of Indianapolis, Marion County, or any unit or agency thereof, or the Health and Hospital Corporation of Marion County, Indiana, to enforce other public health and safety laws and ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance).
2. Not relieve any property of the legal obligation to comply with conditions or commitments which lawfully apply to the property made in connection with any variance, rezoning, platting, or other zoning decision.
3. Not apply to a property if written records of the:

- i. Health and Hospital Corporation of Marion County;
- ii. Fire department having jurisdiction over the property;
- iii. Local law enforcement agency or agencies having jurisdiction over the property; or
- iv. Indiana Department of Environmental Management or Department of Natural Resources;

for the twenty-four-month period prior to October 1, 1996, reflect that there has been a significant violation of laws pertaining to public health or safety or ordinances affecting real property, including those contained in IC 34-1-52-1 through 34-1-52-4 (Codification of Common Law Nuisance) for activities occurring on the property or the condition of the property.

d. Definition of significant violation. For purposes of this provision, a violation is defined to be significant as:

1. Any outstanding violation or three (3) or more separate citations from any of the health and safety agencies referred to in subsection 731-200(a)(9)c.3. of this ordinance; or

2. Any citation or violation of Sections 302, 304, 310, 311, 313, and 701, as amended, of Chapter 10 of the Code of the Health and Hospital Corporation of Marion County, Indiana (Housing and Environmental Standards Ordinance); or
3. One (1) or more convictions of a tenant, owner, or lessee for criminal activities occurring on the property.

**(b) All uses established or placed into operation after August 2, 1966, shall comply with the following performance standards.** No use in existence as of the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

- (1) Vibration. No use shall cause earth vibrations or concussions detectable beyond the lot lines without the aid of instruments.
- (2) Smoke. No use shall emit smoke of a density equal to or greater than No. 2 according to the Ringelmann Scale, as now published and used by the U. S. Bureau of Mines, which scale is on file in the office of the Division of Development Services, and is hereby incorporated by reference and made a part hereof.
- (3) Dust. No use shall cause dust, dirt or fly ash of any kind to escape beyond the lot lines in a manner detrimental to or endangering the public health, safety or welfare or causing injury to property.
- (4) Noxious matter. No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (5) Odor. No use shall emit across the lot lines odor in such quantity as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
- (6) Sound. No use shall produce sound in such a manner as to endanger the public health, safety or welfare or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat, frequency, shrillness or vibration.
- (7) Heat and glare. No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
- (8) Waste. No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana; the Indiana State Board of Health; and the Stream Pollution Control Board of the State of Indiana, or in such a manner as to endanger the public health, safety or welfare; or cause injury to property.

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(A)--(D), 2-24-92; G.O. 97, 1995, § 1(A); G.O. 173, 1996, § 1; G.O. 47, 1997, § 1(A, B); G.O. 2, 2002, § 6)



**Sec. 731-201. D-A dwelling agriculture district regulations.**

Statement of purpose. The D-A district provides for a variety of agricultural enterprises. It is intended to provide for the production, keeping or maintenance, for sale, lease or personal use, of plants and animals and any mutations or hybrids thereof, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; the breeding or grazing of animals; hog operations; bee and apiary products; or lands devoted to a soil conservation or forestry management program. A single-family dwelling is intended to be permitted as a part of such an agricultural enterprise. A secondary intent of this district is large estate development of single-family dwellings. This district represents the very low density residential classification of the Comprehensive General Land Use Plan, and in fact provides for the lowest density of the Dwelling Districts Zoning Ordinance. This district does not require public water and sewer facilities. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

**(a) Permitted D-A uses.** The following uses shall be permitted in the D-A district. All uses in the D-A district shall conform to the D-A development standards (section 731-201(b)) and the dwelling district regulations of section 731-200.

- (1) Either one single-family dwelling, including a manufactured home as regulated in section 731-222, or one group home, as defined in section 731-102 and as regulated in section 731-200(a)(8), or one religious use, as regulated in section 731-224.
- (2) Forests, forest propagation nurseries, arboretums.
- (3) Fish hatcheries, lakes and ponds.
- (4) Projects specifically designed for conservation of soil or water or watershed protection.
- (5) Commercial greenhouses and plant nurseries, excluding retail sales.
- (6) Truck gardens and related field crops, mushroom cellars, general gardening and apiaries.
- (7) Production of grains, grasses, plants, vines, and orchards.
- (8) Stands for the sale of agricultural products produced on the lot.
- (9) Grazing or feeding of livestock for animal increase or value increase. Provided, however, any area devoted to confinement operations for cattle, hogs or poultry shall be a minimum of five hundred (500) feet from any dwelling unit which is located on a lot of less than three (3) acres, other than the principal homestead.
- (10) Barns, sheds, storage buildings and fences essential to an agricultural enterprise. Provided, however, an agricultural enterprise must be conducted on the lot and shall encompass a minimum of one-half acre.
- (11) Temporary uses, as regulated in section 731-218.
- (12) Accessory uses, as regulated in section 731-219.
- (13) Home occupations, as regulated in section 731-220.

**(b) D-A development standards.**

- (1) Use.

a. No operations or activities for pecuniary gain which package products for final market distribution or which mechanically, electrically or chemically transform raw materials into new products, other than cultivation or animal husbandry, shall be permitted.

b. The use of lakes and ponds shall not include commercial or recreational activities which are open to the general public for a fee.

(2) Minimum lot area: Three (3) acres, unless subject to section 731-201(c), D-A district exceptions.

(3) Minimum lot width and street frontage.

a. Minimum lot width at the required setback line: Two hundred fifty (250) feet; provided, however, a minimum lot width of one hundred twenty-five (125) feet shall be maintained between the right-of-way line and the front setback line established by existing structures on the lot or structures proposed for the lot.

b. Minimum street frontage: Each lot shall have at least one hundred twenty-five (125) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

These provisions may be subject to the exceptions of section 731-201(c), D-A district exceptions.

(4) Minimum setback lines and yards.

a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a), shall be provided along all public street right-of-way lines.

b. Minimum rear yard: Seventy-five (75) feet.

c. Minimum side yard: Aggregate seventy-five (75) feet; provided, however, no side yard shall be less than thirty (30) feet.

These provisions may be subject to the exceptions of section 731-201(c), D-A district exceptions.

(5) Minimum open space: Eighty-five (85) percent of the lot area. However, in the case of greenhouses and plant nurseries, the minimum open space shall be fifty (50) percent of the lot area.

These provisions may be subject to the exceptions of section 731-201(c), D-A district exceptions.

(6) Maximum height.

a. Primary building (single-family dwelling): Thirty-five (35) feet; or forty (40) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See section 731-213, Diagram K).

b. Accessory buildings to a single-family dwelling: Twenty (20) feet.

c. Accessory buildings essential to an agricultural enterprise: unlimited.

These provisions may be subject to the exceptions of section 731-201(c), D-A District Exceptions.

(7) Minimum main floor area. Minimum main floor area of the primary building (single-family dwelling), exclusive of garage, carports, and open porches:

One-story building: One thousand two hundred (1,200) square feet.

Building higher than one story: Eight hundred (800) square feet, provided the total floor area shall be at least one thousand two hundred (1,200) square feet.

These provisions may be subject to the exceptions of section 731-201(c), D-A district exceptions.

(8) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

**(c) D-A district exceptions.**

(1) Existing dwelling on a lot developed prior to December 20, 1989. Any single-family dwelling on any lot in the D-A district, developed prior to December 20, 1989, under the applicable A-1 or A-2 agricultural district standards of the Marion County Master Plan Permanent Zoning Ordinance, may be converted, enlarged, extended, reconstructed or relocated if such activity is carried out in accordance with the previously applicable standards for the lot. However, the previously applicable size limitations for garages and other accessory use standards found in the A-1 or A-2 districts shall not apply, but rather the standards of the D-A district of this ordinance shall apply.

(2) Vacant lot recorded prior to December 20, 1989. For any lot or platted lot in the D-A district recorded prior to December 20, 1989, having less than the minimum lot area or minimum lot width required by the D-A district regulations of this ordinance, the following development standards may be applied to the lot, rather than those listed for the district:

- a. Minimum lot width at the required setback line: eighty (80) feet.
- b. Minimum street frontage: eighty (80) feet on a public street right-of-way.
- c. Minimum rear yard: fifteen (15) feet.
- d. Minimum side yard: aggregate--twenty-four (24) feet, provided no side yard shall be less than twelve (12) feet.

(3) Exception to the accessory use regulations of section 731- 219 relative to agricultural enterprises. For those lots on which an agricultural enterprise is being conducted, the accessory use requirements of section 731-219(b)(1)a and c shall not apply.

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(E)--(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 47, 1997, § 1(C))

**Sec. 731-202. D-S dwelling suburban district regulations.**

Statement of purpose. The D-S district is intended for use in areas of extreme topography, areas conducive to estate development, or areas where it is desirable to permit only low density development (such as adjacent to floodplains, aquifers, urban conservation areas, within the extended alignment of airport runways, etc.). Of the dwelling districts providing for only single-family dwellings, the D-S district provides the lowest density in the ordinance. The D-S district provides for single-family residential building lots consisting of at least one acre. A typical density for the D-S district is four-tenths (0.4) units per gross acre. This district represents the very low density residential classification of the comprehensive general land use plan. This district does not require public water and sewer facilities. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

**(a) Permitted D-S uses.** The following uses shall be permitted in the D-S district. Only one primary use shall be permitted per lot. All uses in the D-S district shall conform to the D-S development standards (section 731-202(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Group home, as defined in section 731-102, and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-S development standards.**

(1) Minimum lot area: One acre; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such one-acre requirement, provided the average size of all lots within said approved plat shall be at least one acre.

(2) Minimum lot width and street frontage.

- a. Minimum lot width at the required setback line: One hundred fifty (150) feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 150-foot requirement.
- b. Minimum street frontage: Each lot shall have at least seventy-five (75) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a), shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Twenty-five (25) feet.
- c. Minimum side yard: Aggregate thirty-five (35) feet; provided, however, no side yard shall be less than fifteen (15) feet.

(4) Minimum open space: Eighty-five (85) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet; or forty (40) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See section 731-213, Diagram K).
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

One-story building: One thousand two hundred (1,200) square feet.

Building higher than one story: Eight hundred (800) square feet, provided the total floor area shall be at least one thousand two hundred (1,200) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 47, 1997, § 1(D))

**Sec. 731-203. D-1 dwelling district one regulations.**

Statement of purpose. The D-1 district is intended for use in suburban areas. There is no specific requirement for the placement of this district other than carrying out the single-family low density patterns expressed by the comprehensive general land use plan. The D-1 district has a typical density of nine-tenths (0.9) units per gross acre. This district represents the very low density residential classification of the comprehensive general land use plan. Under most circumstances, public water and sewer facilities should be present but are not mandatory. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

**(a) Permitted D-1 uses.** The following uses shall be permitted in the D-1 district. Only one primary use shall be permitted per lot. All uses in the D-1 district shall conform to the D-1 development standards (section 731-203(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-1 development standards.**

(1) Minimum lot area. Twenty-four thousand (24,000) square feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 24,000-square foot requirement, provided the average size of all lots within said approved plat shall be at least twenty-four thousand (24,000) square feet.

(2) Minimum lot width and street frontage.

- a. Minimum lot width at the required setback line: Ninety (90) feet; provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 90-foot requirement.
- b. Minimum street frontage: Each lot shall have at least forty-five (45) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback line and yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Twenty-five (25) feet.
- c. Minimum side yard: Aggregate twenty-two (22) feet; provided, however, no side yard shall be less than eight (8) feet.

(4) Minimum open space: Eighty (80) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet; or forty (40) feet, if for each foot of height in excess of thirty-five (35) feet, to an absolute height of forty-five (45) feet, one (1) additional foot setback shall be provided beyond such adjacent required front, side or rear yard setback line for each foot of building or structural height above thirty-five (35) feet (See section 731-213, Diagram K).
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

One-story building: One thousand Two hundred (1,200) square feet.

Building higher than one story: Eight hundred (800) square feet, provided the total floor area shall be at least one thousand two hundred (1,200) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 47, 1997, § 1(E))

**Sec. 731-204. D-2 dwelling district two regulations.**

Statement of purpose. The D-2 district is intended for use in suburban areas of the county. There is no specific requirement for the placement of this district other than carrying out the single-family low density patterns expressed by the comprehensive general land use plan. The D-2 district has a typical density of one and nine-tenths (1.9) units per gross acre. Two-family dwellings are permitted on corner lots in this district. This district represents the most intense development recommended for the very low density classification of the comprehensive general land use plan. Public water and sewer facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

**(a) Permitted D-2 uses.** The following uses shall be permitted in the D-2 district. Only one primary use shall be permitted per lot. All uses in the D-2 district shall conform to the D-2 development standards (section 731-204(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling (permitted on corner lots only), as regulated in section 731-204(b)(2)c.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-2 development standards.**

(1) Minimum lot area.

Single-family dwelling: Fifteen thousand (15,000) square feet.

Two-family dwelling: Twenty thousand (20,000) square feet.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 15,000-square foot requirement, provided the average size of all lots within said approved plat shall be at least fifteen thousand (15,000) square feet.

Provided further, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

(2) Minimum lot width and street frontage.

- a. Minimum lot width at the required setback line:



Single-family dwelling: Eighty (80) feet.

Two-family dwelling: One hundred twenty (120) feet (on each street).

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 80-and 120-foot requirements.

b. Minimum street frontage: Each lot shall have at least forty (40) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.

(3) Minimum setback lines and yards.

a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.

b. Minimum rear yard: Twenty-five (25) feet.

c. Minimum side yard: Aggregate nineteen (19) feet; provided, however, no side yard shall be less than seven (7) feet.

(4) Minimum open space: Seventy-five (75) percent of the lot area.

(5) Maximum height.

a. Primary building: Thirty-five (35) feet.

b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

One-story building: One thousand two hundred (1,200) square feet for each dwelling unit.

Building higher than one story: Eight hundred (800) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least one thousand two hundred (1,200) square feet.

(7) Off-street and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B))

**Sec. 731-205. D-3 dwelling district three regulations.**

Statement of purpose. The D-3 district is intended for areas of low or medium intensity single-family residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be rather closely associated with community and neighborhood facilities (schools, parks, shopping areas, etc.). Two-family dwellings are permitted on corner lots in this district. The D-3 district has a typical density of two and six-tenths (2.6) units per gross acre. This district represents the low density residential classification of the comprehensive general land use plan. All public facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

**(a) Permitted D-3 uses.** The following uses shall be permitted in the D-3 district. Only one primary use shall be permitted per lot. All uses in the D-3 district shall conform to the D-3 development standards (731-205(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling (permitted on corner lots only), as regulated in section 731-205(b)(2)c.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-3 development standards.**

(1) Minimum lot.

a. Minimum lot area:

Single-family dwelling: Ten thousand (10,000) square feet.

Two-family dwelling: Fifteen thousand (15,000) square feet.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such ten thousand (10,000) square feet requirement, provided the average size of all lots within said approved plat shall be at least ten thousand (10,000) square feet.

b. An additional five thousand (5,000) square feet of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system; provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be

mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

(2) Minimum lot width and street frontage.

a. Minimum lot width at the required setback line:

Single-family dwelling: Seventy (70) feet.

Two-family dwelling: One hundred five (105) feet (on each street).

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 70-and 105-foot requirements.

b. Minimum street frontage: Each lot shall have at least thirty-five (35) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling shall be toward a different street frontage.

(3) Minimum setback lines and yards.

a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.

b. Minimum rear yard: Twenty (20) feet.

c. Minimum side yard: Aggregate sixteen (16) feet; provided, however, no side yard shall be less than six (6) feet.

(4) Minimum open space: Seventy (70) percent of the lot area.

(5) Maximum height.

a. Primary building: Thirty-five (35) feet.

b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

One-story building: One thousand two hundred (1,200) square feet for each dwelling unit.

Building higher than one story: Eight hundred (800) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least one thousand two hundred (1,200) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B))

**Sec. 731-206. D-4 dwelling district four regulations.**

Statement of purpose. The D-4 district is intended for areas of low or medium intensity single-family residential development. Land in this district should have good thoroughfare access, be relatively flat in topography, and be rather closely associated with community and neighborhood facilities (schools, parks, shopping areas, etc.). Two-family dwellings are permitted on corner lots in this district. The D-4 district has a typical density of four and two-tenths (4.2) units per gross acre. This district represents the low density residential classification of the comprehensive general land use plan. All public facilities shall be present. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife (refer to the cluster subdivision option of section 731-200).

**(a) Permitted D-4 uses.** The following uses shall be permitted in the D-4 district. Only one primary use shall be permitted per lot. All uses in the D-4 district shall conform to the D-4 development standards (section 731-206(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling (permitted on corner lots only), as regulated in section 731-206(b)(2)c.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-4 development standards.**

(1) Minimum lot area.

a. Minimum lot area:

Single-family dwelling: Seven thousand two hundred (7,200) square feet.

Two-family dwelling: Ten thousand (10,000) square feet.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance, may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such 7,200-square foot requirement, provided the average size of all lots within said approved plat shall be at least seven thousand two hundred (7,200) square feet.

b. An additional five thousand (5,000) square feet of lot area shall be required for any lot utilizing a septic tank or other individual sewage disposal system.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.

(2) Minimum lot width and street frontage.

a. Minimum lot width at the required setback line:

Single-family dwelling: Sixty (60) feet.

Two-family dwelling: Ninety (90) feet (on each street).

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of the ordinance, may reduce said minimum width for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to ten (10) percent below such 60- and 90-foot requirements.

b. Minimum street frontage: Each lot shall have at least thirty (30) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

c. Orientation of two-family dwellings: On corner lots, the orientation (front doors, driveways) of each unit in a two-family dwelling on corner lots shall be toward a different street frontage.

(3) Minimum setback lines and yards.

a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.

b. Minimum rear yard: Twenty (20) feet.

c. Minimum side yard: Aggregate thirteen (13) feet; provided, however, no side yard shall be less than five (5) feet.

(4) Minimum open space: Sixty-five (65) percent of the lot area.

(5) Maximum height.

a. Primary building: Thirty-five (35) feet.

b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

One-story building: Nine hundred (900) square feet for each dwelling unit.

Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B))

**Sec. 731-207. D-5 dwelling district five regulations.**

Statement of purpose. The D-5 district is intended for areas of medium intensity single-family residential development. The application of this district will be found within urban, built-up areas of the community, and where all urban public and community facilities, and services are available. The district is not intended for suburban use. Due to its strong reliance upon complete urban facilities, D-5 district location should be applied judiciously. Two-family dwellings are permitted on any lot in this district. The D-5 district has a typical density of four and five-tenths (4.5) units per gross acre. This district represents the low and medium density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

**(a) Permitted D-5 uses.** The following uses shall be permitted in the D-5 district. Only one primary use shall be permitted per lot. All uses in the D-5 district shall conform to the D-5 development standards (section 731-207(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-5 development standards.**

(1) Minimum lot area:

Single-family dwelling: Five thousand (5,000) square feet.

Two-family dwelling: Nine thousand (9,000) square feet.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum lot width and street frontage.

a. Minimum lot width at the required setback line:

- Single-family dwelling: Fifty (50) feet.
- Two-family dwelling: Ninety (90) feet (corner lots shall have a minimum lot width at the required setback line of ninety (90) feet on each street).

b. Minimum street frontage: Each lot shall have at least twenty-five (25) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Twenty (20) feet.
- c. Minimum side yard: Aggregate ten (10) feet; provided, however, no side yard shall be less than four (4) feet.

(4) Minimum open space: Sixty-five (65) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet.
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

- One-story building: Nine hundred (900) square feet for each dwelling unit.
- Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 46, 1997, § 1(A))

**Sec. 731-208. D-5II dwelling district five-two regulations.**

Statement of purpose. The D-5II district provides the smallest single-family lot size in the zoning ordinance. It is intended for carrying out both the low density and medium density residential classification expressed in the comprehensive general land use plan. The district is designed to be used with the zero lot line option of this ordinance. The district's application may be found within built-up areas of the community where redevelopment is occurring or where infill development is necessary. The district is also intended for suburban use. The district must be applied judiciously in suburban areas, however, due to the unique characteristics of this district. Two-family dwellings are permitted on any lot in this district. The D-5II district has a typical density of five (5) units per gross acre. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

**(a) Permitted D-5II uses.** The following uses shall be permitted in the D-5II district. Only one primary use shall be permitted per lot. All uses in the D-5II district shall conform to the D-5II development standards (section 731-208(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Single-family dwelling, including a manufactured home as regulated in section 731-222.
- b. Two-family dwelling.
- c. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- d. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-5II development standards.**

(1) Minimum lot area:

- Single-family dwelling: Three thousand two hundred (3,200) square feet.
- Two-family dwelling: Seven thousand six hundred (7,600) square feet.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum lot width and street frontage.

a. Minimum lot width at the required setback line:

- Single-family dwelling: Forty (40) feet.
- Two-family dwelling: Eighty (80) feet (corner lots shall have a minimum lot width at the required setback line of eighty (80) feet on each street).

b. Minimum street frontage: Each lot shall have at least twenty-five (25) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.



(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Ten (10) feet.
- c. Minimum side yard: Aggregate ten (10) feet. Provided, however, no side yard shall be less than three (3) feet.

(4) Minimum open space: Sixty-five (65) percent of the lot area.

(5) Maximum height.

- a. Primary building: Thirty-five (35) feet.
- b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

- One-story building: Nine hundred (900) square feet for each dwelling unit.
- Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92; G.O. 97, 1995, § 1(B); G.O. 46, 1997, § 1(B))

**Sec. 731-209. D-6 dwelling district six regulations.**

Statement of purpose. The D-6 district is principally intended for medium intensity multifamily dwellings. The district is intended for developments in suburban areas well served by major thoroughfares, sanitary sewers, and school and park facilities. In its application, the district need not be directly associated with more intense land uses such as commercial or industrial areas. The D-6 district has a typical density of six (6) to nine (9) units per gross acre. This district represents the medium density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

**(a) Permitted D-6 uses.** The following uses shall be permitted in the D-6 district. Only one primary use shall be permitted per lot. All uses in the D-6 district shall conform to the D-6 development standards (section 731-209(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Attached multifamily dwellings.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-6 development standards.**

(1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection (b).

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements section 731-221(a) shall be provided wherever the project abuts a public street right-of-way line.
- b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least thirty (30) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.
- c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
  2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
    - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
    - ii. Wall not containing any window, door, or combination thereof: The minimum depth of a building's yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.
  3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
  4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
  5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
  6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:
1. Driveways, and,
  2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than ten (10) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.
  3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than ten (10) feet to any building.

(4) Maximum height.

- a. Primary buildings: Thirty-five (35) feet but not to exceed three (3) stories containing a dwelling unit or units.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Maximum floor area: Floor area ratio (FAR) 0.200
- b. Minimum open space: Open space ratio (OSR) 3.850
- c. Minimum livability space: Livability space ratio (LSR) 2.600

d. Minimum major livability space: Major livability space ratio (MLSR) 0.180

e. Minimum parking spaces: Total car ratio (TCR) 1.600

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

**Sec. 731-210. D-6II dwelling district six-two regulations.**

Statement of purpose. The D-6II district is intended principally for low intensity multifamily use as a transition between areas of high intensity uses and low intensity uses, or in areas where the dimensions of the tract of land would cause high development costs that would preclude low intensity development. Typical areas subject to D-6II zoning include remnant parcels of land resulting from public works improvements, exhausted mining operations, and changed intensity factors (such as between interstate highway locations, commercial development and lower-density residential areas). The district must be in close proximity to major thoroughfares, sewers, school and park facilities. The D-6II district has a typical density of nine (9) to twelve (12) units per gross acre. This district represents the medium density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage, and wildlife.

**(a) Permitted D-6II uses.** The following uses shall be permitted in the D-6II district. Only one primary use shall be permitted per lot. All uses in the D-6II district shall conform to the D-6II development standards (section 731-210(b)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Attached multifamily dwellings.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-6II development standards.**

(1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection (b).

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

- a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided wherever the project abuts a public street right-of-way line.
- b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least twenty-five (25) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
  - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
  - ii. Wall not containing any window, door, or combination thereof: The minimum depth of a building's yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.
3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.

d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

1. Driveways, and,
2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than ten (10) feet into said yard, provided however, in no case shall the permitted facilities be located closer than ten (10) feet to another structure.
3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than eight (8) feet to any building.

(4) Maximum height.

- a. Primary buildings: Thirty-five (35) feet but not to exceed three (3) stories containing a dwelling unit or units.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Maximum floor area: Floor area ratio (FAR) 0.280
- b. Minimum open space: Open space ratio (OSR) 2.650

- c. Minimum livability space: Livability space ratio (LSR) 1.650.
- d. Minimum major livability space: Major livability space ratio (MLSR) 0.160.
- e. Minimum parking spaces: Total car ratio (TCR) 1.500.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

**Sec. 731-211. D-7 dwelling district seven regulations.**

Statement of purpose. The D-7 district is intended principally for medium density multifamily use. The district may be applied anywhere within the metropolitan area, provided, however, it should be closely associated with the primary intensity generators; i.e., commercial shopping centers or industrial uses. The district requires superior street access and all public facilities. The D-7 district has a typical density of twelve (12) to fifteen (15) units per gross acre. This district represents the medium density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

**(a) Permitted D-7 uses.** The following uses shall be permitted in the D-7 district. Only one primary use shall be permitted per lot. All uses in the D-7 district shall conform to the D-7 development standards (section 731-211(b)) and the dwelling district regulations of section 731-200.

- (1) Primary uses.
  - a. Attached multifamily dwellings.
  - b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
  - c. Religious use, as regulated in section 731-224.
- (2) Temporary uses, as regulated in section 731-218.
- (3) Accessory uses, as regulated in section 731-219.
- (4) Home occupations, as regulated in section 731-220.

**(b) D-7 development standards.**

(1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection (b).

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of frontage on a public street and shall gain direct access from said street.

(3) Minimum setback lines and yards.

a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided wherever the project abuts a public street right-of-way line.

b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least twenty (20) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:



1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
  2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
    - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
    - ii. Wall not containing any window, door, or combination thereof: The minimum depth of a building's yard shall be five (5) feet, plus one foot for each story in height plus one foot for each fifteen (15) feet in length of such wall.
  3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
  4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
  5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
  6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.
- d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:
1. Driveways, and,
  2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than five (5) feet into said yard; provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.
  3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than six (6) feet to any building.

(4) Maximum height.

- a. Primary buildings: Thirty-five (35) feet but not to exceed three (3) stories containing a dwelling unit or units.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Maximum floor area: Floor area ratio (FAR) 0.350.
- b. Minimum open space: Open space ratio (OSR) 2.100.
- c. Minimum livability space: Livability space ratio (LSR) 1.250.

d. Minimum major livability space: Major livability space ratio (MLSR) 0.140.

e. Minimum parking spaces: Total car ratio (TCR) 1.400.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

**Sec. 731-212. D-8 dwelling district eight regulations.**

Statement of purpose. The D-8 district is a unique district designed for application in older developed urban areas. The district allows as permitted uses all forms of residential development except mobile dwellings. The district is designed to provide for the wide range and mixture of housing types found in older, inner-city neighborhoods, as well as along older residential/commercial thoroughfares. Another important application of this district is in areas that are experiencing renewal either by public action or by natural process. The district requires all the amenities of the D-7 district. The D-8 district has a typical density range of five (5) to twenty-six (26) units per gross acre depending upon the type of development. This district represents the high density residential classification of the comprehensive general land use plan. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing conditions, including vegetation, topography, drainage and wildlife.

**(a) Permitted D-8 uses.** The following uses shall be permitted in the D-8 district. Only one primary use shall be permitted per lot. All uses in the D-8 district shall conform to the D-8 development standards (section 731-212(b) and (c)) and the dwelling district regulations of section 731-200.

(1) Primary uses.

- a. Urban dwelling or dwellings, including one of the following: single-family, two-family, and attached multifamily dwellings, including a manufactured home as regulated in section 731-222.
- b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- c. Religious use, as regulated in section 731-224.

(2) Temporary uses, as regulated in section 731-218.

(3) Accessory uses, as regulated in section 731-219.

(4) Home occupations, as regulated in section 731-220.

**(b) D-8 development standards, single- and two-family.**

(1) Minimum lot area. There shall be no required lot area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, 4 and 6 of this subsection (b).

Provided, however: Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

(2) Minimum lot width and frontage.

- a. Minimum lot width at the required setback line: Thirty (30) feet.
- b. Minimum lot street frontage: Each lot shall have at least thirty (30) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

(3) Minimum setback lines and yards.

- a. Minimum setback lines and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
- b. Minimum rear yard: Fifteen (15) feet.

- c. Minimum side yards: Aggregate ten (10) feet. No side yard, however, shall be less than four (4) feet.
- (4) Minimum open space: Fifty-five (55) percent of the lot area.
- (5) Maximum height.
  - a. Primary building: Thirty-five (35) feet.
  - b. Accessory buildings: Twenty (20) feet.
- (6) Minimum main floor area. Minimum main floor area of the primary building exclusive of garage, carports, and open porches:
  - One-story building: Nine hundred (900) square feet for each dwelling unit.
  - Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.
- (7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(c) and (e).

**(c) Development standards, multifamily project.**

- (1) Minimum project area. There shall be no required project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection C.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.

- (2) Minimum project width and frontage.
  - a. Minimum project width at the required setback line: Thirty (30) feet.
  - b. Minimum project street frontage: Each project shall have at least thirty (30) feet of frontage on a public street and shall gain direct access from said street.
- (3) Minimum setback lines and yards.
  - a. Minimum setback lines and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.
  - b. Minimum rear yard: Fifteen (15) feet.
  - c. Minimum side yards: At least twenty (20) percent of the project width measured at the front setback line shall be devoted to aggregate side perimeter yards, except not more than fifteen (15) feet for any one side perimeter yard need be so devoted. The least dimension of a side perimeter yard shall not be less than four (4) feet.
  - d. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards for each building (in addition to the other requirements of this paragraph 3) shall be provided between all buildings, in accordance with the following standards:
    - 1. For buildings containing three (3) or four (4) dwelling units, the required minimum depth of such yards for each building shall be five (5) feet for each building.
    - 2. For buildings containing more than four (4) dwelling units, the required minimum depth of such yards for each building shall be determined in relation

to the height and length of each such building wall and the placement of windows therein, as follows:

- i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
- ii. Wall not containing any window, door, or combination thereof: The minimum depth of a building's yard shall be five (5) feet, plus one foot for each story in height, plus one foot for each fifteen (15) feet in length of such wall.

3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.

4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.

5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.

6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph d.

e. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

1. Driveways, and,
2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than five (5) feet into said yard, provided however, in no case shall the permitted facilities be located closer than ten (10) feet to another structure.
3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

(4) Maximum height.

- a. Primary buildings: Thirty-five (35) feet.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Maximum floor area: Floor area ratio (FAR) 0.600.
- b. Minimum open space: Open space ratio (OSR) 1.180.
- c. Minimum livability space: Livability space ratio (LSR) 0.660.
- d. Minimum major livability space: Major livability space ratio (MLSR) 0.110.
- e. Minimum parking spaces: Total car ratio (TCR) 1.000.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

**(d) D-8 district development standards exceptions.** Any lot located within a locally designated historic preservation area as established by, and under the jurisdiction of, the Indianapolis Historic Preservation Commission (IHPC):

(1) Not fronting on a thoroughfare, as designated on The Official Thoroughfare Plan for Marion County, Indiana, shall be exempt from the provisions of sections 731-212(b)(3) and 731-212(c)(3) of this ordinance regarding required minimum front, side and rear yard setbacks. The minimum required front, side and rear yard setbacks for lots located within such historic preservation areas shall be as determined by the IHPC. The minimum required front, side and rear yards shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.

(2) Fronting on a thoroughfare, as designated on The Official Thoroughfare Plan for Marion County, Indiana, shall be exempt from the provisions of sections 731-212(b)(3) and 731-212(c)(3) of this ordinance regarding required minimum side and rear setbacks. The minimum required side and rear yard setbacks for lots located within such historic preservation areas shall be as determined by the IHPC. The minimum required side and rear yards shall be as set forth in and specified by the grant of a Certificate of Appropriateness following all procedures set forth by the IHPC.

(3) Shall be exempt from the provisions of section 2.12, B., 5,a, and section 2.12, B., 5,b, of this ordinance regarding maximum height of primary buildings and accessory structures. The maximum height of primary buildings and accessory structures located within such historic preservation areas shall be as determined by the IHPC. The maximum height of primary and accessory buildings shall be set forth in and specified by the grant of a certificate of appropriateness following all procedures set forth by the IHPC.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), (B), 8-27-90; G. O. No. 4, 1992, § 1(H)--(J), 2-24-92; G. O. No. 21, 1992, § 1(A), 3-16-92; G.O. 97, 1995, § 1(B); G.O. 17, 2004, § 1)

**Sec. 731-213. D-9 dwelling district nine regulations.**

Statement of purpose. The D-9 district is designed to permit suburban high-rise apartments. It is intended for use adjacent to the major shopping centers or in areas where unusual conditions exist (i.e., adjacent to a freeway interchange or in unusual topographic situations). The D-9 district has typical ranges of density according to the number of stories:

- 12--22 dwelling units/gross acre for 1--3 story structure(s).
- 27--35 dwelling units/gross acre for 4--5 story structure(s).
- 50--65 dwelling units/gross acre for 6--11 story structure(s).
- 90--120 dwelling units/gross acre for structure(s) of 12 stories and above.

Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

**(a) Permitted D-9 uses.** The following uses shall be permitted in the D-9 district. Only one primary use shall be permitted per lot. All uses in the D-9 district shall conform to the D-9 development standards (section 731-213(b)) and the dwelling district regulations of section 731-200.

- (1) Primary uses:
  - a. Attached multifamily dwellings.
  - b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
  - c. Religious use, as regulated in section 731-224.
- (2) Temporary uses, as regulated in section 731-218.
- (3) Accessory uses, as regulated in section 731-219.
- (4) Home occupations, as regulated in section 731-220.

**(b) D-9 development standards.**

- (1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs (2), (3) and (5) of this subsection (b). Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.
- (2) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of frontage on a public street and shall gain direct access from said street.
- (3) Minimum setback lines and yards.
  - a. Minimum setback line and front yard: Front yards, having a minimum depth in accordance with the setback requirements of section 731-221(a), shall be provided wherever the project abuts a public street right-of-way line.
  - b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least twenty (20) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b., above) shall be provided between all buildings, in accordance with the following standards:

1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
  - i. Wall containing any window, door, or combination thereof: The minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
  - ii. Wall not containing any window, door, or combination thereof: The minimum depth for a building's yard shall be five (5) feet, plus one foot for each story in height plus one foot for each fifteen (15) feet in length of such wall.
3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.

d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

1. Driveways, and,
2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than five (5) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.
3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

(4) Maximum height.

- a. Primary buildings: Unlimited.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Multifamily dwellings: Less than four (4) stories.



1. Maximum floor area: Floor area ratio (FAR) 0.500.
  2. Minimum open space: Open space ratio (OSR) 1.450.
  3. Minimum livability space: Livability space ratio (LSR) 0.840.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.120.
  5. Minimum parking spaces: Total car ratio (TCR) 1.200.
- b. Multifamily dwellings: Four (4) to five (5) stories.
1. Maximum floor area: Floor area ratio (FAR) 0.800.
  2. Minimum open space: Open space ratio (OSR) 0.870.
  3. Minimum livability space: Livability space ratio (LSR) 0.490.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.095.
  5. Minimum parking spaces: Total car ratio (TCR) 1.000.
- c. Multifamily dwellings: Six (6) to eleven (11) stories.
1. Maximum floor area: Floor area ratio (FAR) 1.500.
  2. Minimum open space: Open space ratio (OSR) 0.450.
  3. Minimum livability space: Livability space ratio (LSR) 0.290.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.071.
  5. Minimum parking spaces: Total car ratio (TCR) 1.000.
- d. Multifamily dwellings: Twelve (12) stories or higher.
1. Maximum floor area: Floor area ratio (FAR) 2.700.
  2. Minimum open space: Open space ratio (OSR) 0.290.
  3. Minimum livability space: Livability space ratio (LSR) 0.200.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.054.
  5. Minimum parking spaces: Total car ratio (TCR) 1.000.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

**Sec. 731-214. D-10 dwelling district ten regulations.**

Statement of purpose. The D-10 district, like the D-9 district, represents the high density classification of the comprehensive general land use plan. Unlike the D-9 district, however, the D-10 district is intended for central and inner-city use as opposed to suburban use. The D-10 district requires all public and community facilities, but its use will not be so directly associated with planned shopping centers. In many cases, the D-10 district will represent a renewal of the land rather than the initial use. The D-10 district has typical densities according to the number of stories:

- 20--26 dwelling units/gross acre for 1--3 story structure(s).
- 27--35 dwelling units/gross acre for 4--5 story structure(s).
- 50--65 dwelling units/gross acre for 6--11 story structure(s).
- 100--130 dwelling units/gross acre for 12--23 story structure(s).
- 110--140 dwelling units/gross acre for structure(s) above 24 stories.

**(a) Permitted D-10 uses.** The following uses shall be permitted in the D-10 district. Only one primary use shall be permitted per lot. All uses in the D-10 district shall conform to the D-10 development standards (section 731-214(b)) and the dwelling district regulations of section 731-200.

- (1) Primary uses:
  - a. Attached multifamily dwellings.
  - b. Group home, as defined in section 731-102 and as regulated in section 731-200(a)(8).
  - c. Religious use, as regulated in section 731-224.
- (2) Temporary uses, as regulated in section 731-218.
- (3) Accessory uses, as regulated in section 731-219.
- (4) Home occupations, as regulated in section 731-220.

**(b) D-10 development standards.**

- (1) Minimum project area. There shall be no required minimum project area other than the land area necessary to provide for the development requirements of paragraphs 2, 3 and 5 of this subsection (b). Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district.
- (2) Minimum project frontage. Each project shall have at least one hundred (100) feet of frontage on a public street and shall gain direct access from said street.
- (3) Minimum setback lines and yards.
  - a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided wherever the project abuts a public street right-of-way line.
  - b. Minimum required perimeter side and rear yards: Minimum required perimeter yards of at least twenty (20) feet in depth shall be provided wherever the project or lot abuts adjoining perimeter property.

c. Minimum yards between buildings: In projects containing two (2) or more buildings, minimum yards (in addition to the requirements of a. and b. above) shall be provided between all buildings, in accordance with the following standards:

1. For buildings containing three (3) or four (4) units, the required minimum depth of such yards shall be five (5) feet for each building.
2. For buildings containing more than four (4) units, the required minimum depth of such yards for each building shall be determined in relation to the height and length of each such building wall and the placement of windows therein, as follows:
  - i. Wall containing any window, door, or combination thereof: the minimum depth of a building's yard shall be ten (10) feet, plus two (2) feet for each story in height plus one foot for each fifteen (15) feet in length of such wall.
  - ii. Wall not containing any window, door, or combination thereof: the minimum depth for a building's yard shall be five (5) feet, plus one foot for each story in height plus one foot for each fifteen (15) feet in length of such wall.
3. For permitted accessory uses, the required minimum depth of such yards shall be five (5) feet for each use.
4. The distance between buildings shall in no case be less than the sum of the required minimum depths of such adjoining yards.
5. The minimum depth of yards, for purposes of these standards, shall be measured perpendicular to the building wall at all points.
6. Walls forming interior courts with a minimum width of ten (10) feet and serving only one building shall be exempt from the provisions of this paragraph c.

d. Use of required perimeter yards and yards between buildings: All yards shall meet the requirements of section 731-221(f). Said perimeter yards and yards between buildings shall only be used for open space with the exception of the following:

1. Driveways, and,
2. Interior access drives, open balconies, uncovered porches, patios, or structures which qualify as covered open space (as defined in section 731-102) may project or be located no more than five (5) feet into said yard, provided however, in no case, shall the permitted facilities be located closer than ten (10) feet to another structure.
3. Parking areas may be located in the yards between buildings, provided no parking area shall be closer than four (4) feet to any building.

(4) Maximum height.

- a. Primary buildings: Unlimited.
- b. Accessory buildings: Twenty-five (25) feet.

(5) Development amenities. Floor area, open space, livability space, recreation space and parking spaces shall be provided for each project in accordance with the following required ratios (all as defined in section 731-102):

- a. Multifamily dwellings: less than four (4) stories.

1. Maximum floor area: floor area ratio (FAR) 0.600.
  2. Minimum open space: Open space ratio (OSR) 1.180.
  3. Minimum livability space: Livability space ratio (LSR) 0.660.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.110.
  5. Minimum parking spaces: Total car ratio (TCR) 1.000.
- b. Multifamily dwellings: Four (4) to 5 stories.
1. Maximum floor area: Floor area ratio (FAR) 0.800.
  2. Minimum open space: Open space ratio (OSR) 0.870.
  3. Minimum livability space: Livability space ratio (LSR) 0.490.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.095.
  5. Minimum parking spaces: Total car ratio (TCR) 0.940.
- c. Multifamily dwellings: Six (6) to eleven (11) stories.
1. Maximum floor area: Floor area ratio (FAR) 1.500.
  2. Minimum open space: Open space ratio (OSR) 0.450.
  3. Minimum livability space: Livability space ratio (LSR) 0.290.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.071.
  5. Minimum parking spaces: Total car ratio (TCR) 0.750.
- d. Multifamily dwellings: Twelve (12) to twenty-three (23) stories.
1. Maximum floor area: Floor area ratio (FAR) 3.000.
  2. Minimum open space: Open space ratio (OSR) 0.280.
  3. Minimum livability space: Livability space ratio (LSR) 0.190.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.052.
  5. Minimum parking spaces: Total car ratio (TCR) 0.750.
- e. Multifamily dwellings: Twenty-four (24) stories or higher.
1. Maximum floor area: Floor area ratio (FAR) 3.200.
  2. Minimum open space: Open space ratio (OSR) 0.270.
  3. Minimum livability space: Livability space ratio (LSR) 0.190.
  4. Minimum major livability space: Major livability space ratio (MLSR) 0.050.
  5. Minimum parking spaces: Total car ratio (TCR) 0.750.

In addition: site and development plans, landscape plans, trash enclosures, public streets, interior access drives, driveways and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(A), 8-27-90; G.O. 97, 1995, § 1(B))

**Sec. 731-215. D-11 dwelling district eleven regulations.**

Statement of purpose. The D-11 district allows for mobile dwelling project development. The special characteristics of mobile dwellings, as opposed to the characteristics of conventional housing (such as compactness of the mobile dwelling unit, site accommodation requirements, etc.), have been recognized as requiring special district considerations. The D-11 district is designed to permit mobile and manufactured dwellings in accordance with appropriate standards. This district represents a medium density classification according to the Comprehensive General Land Use Plan and should be applied accordingly. The typical density for a D-11 district is six (6) units/gross acre. With the development standards included in this district, mobile dwelling projects are viable residential developments, and should be located with the same considerations as site-built residential neighborhoods. All public and community facilities are required. Proximity to major thoroughfares are necessary for the location of this district.

**(a) Permitted D-11 uses.** The following uses shall be permitted in the D-11 district. All uses in the D-11 district shall conform to the D-11 development standards (section 731-215(b)) and the dwelling district regulations of section 731-200.

- (1) Mobile dwelling projects, including mobile dwellings and manufactured homes, subject to all development standards of section 731-215(b). Each permitted mobile dwelling within a mobile dwelling project shall be limited to single-family use and occupancy.
- (2) Group homes, as defined in section 731-102 and as regulated in section 731-200(a)(8).
- (3) Religious use, as regulated in section 731-224.
- (4) Temporary uses, as regulated in section 731-218.
- (5) Accessory uses, as enumerated below:
  - a. Manager's office and apartment: Project maintenance equipment storage facility.
  - b. Common recreation and service buildings, structures and areas, including laundry facilities.
  - c. Open storage area.
  - d. Accessory parking areas.
  - e. Carports, canopies, covered patios, storage rooms, mini-barns, porches, awnings, swings and other play structures or equipment, provided the height thereof shall not exceed ten (10) feet measured from the finished mobile dwelling site grade, and that floors of carports, patios, storage rooms and porches shall be of concrete or other permanent pavement.
  - f. Wholesale and retail sales of mobile dwellings conducted as a business by dealers of mobile dwelling project owners/operators shall be prohibited in the D-11 district. Except, however, a mobile dwelling project owner/operator may display not more than six (6) "model" mobile dwellings on mobile dwelling sites in the interior of the project, provided such model units shall not be displayed for sale or removal outside the project; and further provided that no signs relative to the "model" units shall be installed so as to be visible to the public outside the project.
  - g. An incidental model home sign, as regulated in Chapter 734 of this Code, shall be permitted for each "model" mobile dwelling. Provided further, however, nothing contained herein shall restrict the right of any individual owner of any mobile dwelling unit to sell or lease such unit.

h. Child care home.

**(b) D-11 development standards.**

(1) Project area. A minimum contiguous project area of fifteen (15) acres with the first phase not less than five (5) acres shall be required. Each contiguous project area shall not exceed one hundred (100) acres. Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district after January 1, 1990.

(2) Maximum project density. Six (6) units per gross project acre.

(3) Combination of lots or portions thereof. Whenever only a portion of a recorded lot is proposed as a mobile dwelling project or whenever two (2) or more recorded lots or portions thereof are proposed to be combined to form a mobile dwelling project, the proposed mobile dwelling project as shown on the site plan submitted shall be considered to be a newly created single lot, for the purposes of section 731-215(b)(1) of this ordinance, and such newly created lot shall not be reduced in size or divided or split if such reduction, division, or split will result in a lot which would fail to meet any of the requirements of this section.

(4) Minimum project frontage. Each project shall have at least one hundred fifty (150) feet of continuous frontage on a public street and shall gain direct access from said street. Each project containing over thirty (30) dwelling units shall provide at least two (2) accesses from a perimeter public street.

(5) Perimeter yard.

a. A perimeter yard is required for each mobile dwelling project. All parking, buildings, structures, and mobile dwelling sites shall be located so as to provide a setback of at least fifty (50) feet from all perimeter lot lines. This fifty-foot perimeter yard shall be landscaped and shall not be used for anything other than passive open space or a required roadway entrance into the mobile home park. Perimeter yards must be landscaped, screened and maintained according to section 731-221(f), provided, however;

b. Where the project abuts public perimeter streets, minimum perimeter front yards shall be sixty (60) feet, measured from the street right-of-way line of a local or collector street, or from the proposed right-of-way line of any primary or secondary arterial as indicated by The Official Thoroughfare Plan for Marion County, as amended.

(6) Mobile dwelling sites.

a. Mobile dwelling sites within the project shall be provided for each mobile dwelling in accordance with the following standards:

1. Each mobile dwelling project shall be divided into mobile dwelling sites.

2. Each mobile dwelling site shall contain an area of no less than four thousand (4,000) square feet, provided, however;

3. Each mobile dwelling site, which requires a double or triple wide unit, shall contain an area of no less than five thousand four hundred (5,400) square feet.

(7) Minimum interior yards. Minimum interior yards within the project shall be provided for all mobile dwelling sites in accordance with the following standards:

a. A minimum required front building setback of ten (10) feet shall be provided, measured from the curb line of any interior street or interior access drive within the

project. Parking spaces shall not be permitted within this required setback; however, driveways accessing parking areas on the site and other appurtenances are permitted.

b. A minimum distance of fifty (50) feet shall be provided between any recreational or other project common building and any dwelling unit within the project.

c. A minimum distance of twenty-five (25) feet shall be provided between dwelling units at their closest points to each other. Except, however, that any dwelling unit accessory structure, open on at least two (2) sides, may project into such required interior yard provided that the distance between such accessory structure and any other dwelling unit, or between such accessory structures of two (2) dwelling units, shall be at least fifteen (15) feet.

(8) Minimum recreational and open space areas. Developed recreational and common open space areas equal to, at a minimum, eight (8) percent of the total area of the mobile dwelling project shall be required. Land used for the required perimeter yard, mobile dwelling sites, vehicular areas, access easements, and rights-of-way shall not be considered as part of this required eight (8) percent open space. Common open storage areas developed as required in section 731-215(b)(10) shall not be included in the open space computation.

a. These recreational and common open space areas shall be accessible to all project residents, appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses. Accessibility to such areas shall not solely be gained by way of a mobile dwelling site or sites.

b. Developed recreational areas may include, but shall not be limited to, such facilities as playgrounds, tot lots, swimming pools, game courts and common recreational buildings. An imaginative approach to the provision and design of such areas is encouraged. Project recreational needs will depend upon such factors as project site, size and the anticipated age characteristics of the residents. These areas shall provide for the use of all project residents and be appropriately located within the project with respect to the residents they are designed to serve and with regard to adjacent land uses.

c. Common open space areas are those areas within the project set aside for the common use of all project residents. The general design of these areas should demonstrate an awareness of their intended use for passive enjoyment. Utilization of common open space areas may be enhanced by improvements such as walkways, meandering trails, benches, flowers, shrubs and tree plantings, while still maintaining their natural open character.

d. Items such as drainage swales may be included as open space if, through proper design, they add favorably to the open space inventory and site development of the project and do not present a health or safety hazard to project residents.

e. Off-street pedestrian ways and/or bike paths shall be constructed where necessary to provide safe access to recreational and other service areas. Such off-street pathways shall have a minimum width of three (3) feet and shall have at least a three-foot wide area of open space along the sides of the pathway. All such off-street pathways shall be hard-surfaced.

(9) Minimum parking area.

a. A minimum of two (2) hard-surfaced off-street parking spaces shall be required for each dwelling unit and shall be located on each mobile dwelling site.

b. One (1) parking space for each two hundred eighty-five (285) square feet or fraction thereof of gross floor area shall be required for the manager's office (not including

storage space), and any common recreation structures located within the mobile dwelling project.

c. Off-street parking areas shall not be permitted in any required interior front yard setback.

d. Off-street parking facilities shall be provided and maintained in accordance with section 731-221(e)(2)b.

(10) Storage areas.

a. Open storage area: An open storage area shall be provided within the project boundaries for the purpose of storing travel trailers, campers, boats and other recreational vehicles owned by project residents. The open storage area required for the project shall be computed on the basis of one hundred twenty (120) square feet of space per mobile dwelling site. Such open storage areas shall be screened so as not to be directly visible from any perimeter boundary of the project and shall further be accessible to all project residents.

Travel trailers, campers, boats and other recreational vehicles shall be permitted to be stored only in such storage areas, whether temporarily or permanently.

b. General storage space: In order to provide adequate storage facilities on or conveniently near each mobile dwelling site for the storage of outdoor equipment, furniture, tools, and other materials used only seasonally or infrequently, or incapable of convenient storage within the mobile dwellings, a minimum of one hundred fifty (150) cubic feet of general storage space within a structure per dwelling unit shall be provided on the mobile dwelling site, or in compounds located not more than one hundred (100) feet from each dwelling unit. Each such storage space shall be constructed and located in conformity with the approved site plan required by section 731-215(b)(16). Provided, however, all or a portion of such storage space for any fully skirted mobile dwelling unit may be provided under such unit, in lieu of separate storage facilities.

(11) Patios and paved stands. All mobile dwelling sites shall be improved as follows:

a. Each mobile dwelling site shall contain a patio or deck with an area of no less than two hundred (200) square feet. Such patio or deck shall be constructed of concrete, brick, tile, treated wood or similar material, so as to result in a dustfree and well-drained surface.

b. Concrete runners, concrete pillars or a paved stand shall be provided to accommodate each mobile dwelling.

c. An anchoring system (tiedowns) shall be provided, installed and attached to the dwelling upon its placement on the mobile dwelling site to withstand the specified horizontal, uplift, overturning wind forces on a mobile dwelling based upon accepted engineering design standards as required by Regulation HSE 21 of the Indiana State Board of Health.

(12) Skirting. No later than thirty (30) days after a mobile dwelling has been placed upon a mobile dwelling site, the area between the bottom of the sides and ends of the mobile dwelling and the surface upon which it is located shall be enclosed by walls made of a visibly opaque skirting material. Mobile dwellings shall have skirting or other design attachments installed by the mobile dwelling owner which shall harmonize with the architectural style of the mobile dwelling. Access doors shall be permitted under the mobile dwelling.

(13) Utilities.



- a. All utility lines, including but not limited to electric, telephone, water, gas, and cable television lines, shall comply with Underground Utility Line Regulations Ordinance 72-AO-5, as may be amended.
- b. Individual radio and television antennas, not exceeding four (4) feet in height, shall be permitted; or a central system utilizing underground wiring to individual dwelling units and accessory buildings may be installed.

(14) Maximum height.

- a. All mobile dwellings, accessory structures and buildings: twenty-five (25) feet.
- b. All management offices, common recreation and service buildings: Thirty-five (35) feet, with the exception of skylights, appurtenances, chimneys or similar structures.

(15) Streets and sidewalks.

- a. Public streets, interior access drives, driveways, and off-street parking areas shall be provided in accordance with section 731-221, Special regulations.
- b. Private interior streets, interior access drives and driveways shall be constructed with curbs and gutters and shall otherwise be provided in accordance with section 731-221, Special regulations.

Provided, however, that private interior streets, private interior access drives and private interior access driveways which have two-way traffic with no parking shall have a minimum pavement width of twenty-four (24) feet, exclusive of curbs or gutters.

- c. Sidewalks shall be installed within each mobile dwelling project in accordance with the following:

1. Sidewalks are required to be installed on one (1) side of a street with an improved width of twenty (20) feet or less and on both sides of a roadway with an improved width of greater than twenty (20) feet.
2. All sidewalks shall be hard-surfaced and shall have a thickness of no less than four (4) inches.
3. Common sidewalks, with a minimum width of three (3) feet, intended to provide pedestrian circulation from one (1) mobile dwelling to another or to various locations throughout the mobile dwelling project shall serve all mobile dwellings and common use areas that front upon or have access from a street improved with curbs and gutters. Such sidewalks shall be located parallel to a street.
4. A hard-surfaced walkway having a minimum width of three (3) feet connecting the mobile dwelling with its off-street parking area shall be provided.
5. In addition to those sidewalks required by this section 731-215(b)(15), sidewalks may be placed so that they bisect a block of mobile dwelling sites in order to provide an interior type of common sidewalk circulation system. Such sidewalks shall not be located on any mobile dwelling site. Such sidewalks shall have a minimum width of three (3) feet and shall have at least a three-foot wide area of open space along the sides of the sidewalk. This sidewalk and open space area may be figured into the required minimum recreational and open space area.
6. A sidewalk with a minimum width of three (3) feet may be provided for access from each mobile dwelling to a street or to a common walkway system.

7. No portion of any parking space shall encroach upon any portion of a sidewalk.

(16) Project and site plan requirements. In order that a petition for a D-11 district can be evaluated, the petitioner shall file with the petition a project orientation map, topographic map and site plan (as specified in paragraphs a., b., and c. which follow).

In addition to other permit requirements, a landscape plan (as specified in section 731-221, Special regulations) shall be filed with the Division of Development Services of the Department of Metropolitan Development and approved by the Administrator thereof prior to the issuance of an Improvement Location Permit.

a. The orientation map shall include a legal description and delineate the boundaries of the project site; and shall show the location of all the features listed below existing within one (1) mile of the project site.

- Public schools
- Thoroughfares
- Railroads
- Fire protection services
- Public transportation
- Major shopping areas
- Public recreational facilities
- Other important features which may affect the planned project

b. The topographic map shall be drawn to scale, current dated, prepared and signed by a registered land surveyor or civil engineer and shall clearly show the following:

- Contours having an interval of two (2) feet,
- All existing buildings and other structures or improvements such as walls, fence lines, culverts, bridges, roadways, etc., with spot elevations indicated,
- Location and spot elevations of rock outcrops, high points, watercourses, depressions, ponds and marsh areas, with any previous flood elevations as may be determined by survey,
- Boundaries of any floodway or floodplain zones or areas subject to periodic inundation,
- Size, variety, caliper and accurate location of all existing trees over two and one-half (2 1/2) inch caliper; except within natural vegetation areas (woods, thickets or meadows) that will not be developed, but will be left and maintained as natural areas,
- Boundary lines of property and corner monuments,
- Soil types; careful attention must be given in the location and construction of mobile dwelling projects to the ability of the soil to support the development,
- Location of any test pits or borings if required to determine subsoil conditions,
- All easements, rights-of-way and other restrictions.

c. The site plan, drawn to scale, shall indicate:

- Existing and proposed streets, access drives, driveways, interior access drives, sidewalks and pedestrian ways,
- All paving and hard-surfacing materials,
- Ingress to and egress from the project site to/from perimeter public streets,
- Minimum required yards,
- Location of all parking, recreational and storage areas,
- Individual mobile dwelling sites,
- Location of mobile dwelling paved stands,
- Mobile dwelling project facilities such as office, laundry, storage and recreation structures,
- Location, height and type of screens, walls and fences,
- All adjacent properties':
  1. Lot lines;
  2. Existing land use and zoning classification; and,
  3. Approximate location of all existing structures within one hundred (100) feet of the project's property lines;
- A legend which shall include a listing of the overall acreage; the scale of the plan; gross and net density of lots, spaces or units; percentage and area of open spaces by types, number of spaces, building area of project buildings or structures; parking spaces required and provided, and estimated total population profile.

(17) Existing nonconforming projects.

a. Conformity with certain standards required. All nonconforming mobile dwelling projects on the effective date of this ordinance:

1. Shall conform to the development standards and requirements of section 731-221(f)(5) (Special regulations--Grounds maintenance), section 731-215(b)(11)c. (patios and paved stands), and section 731-215(b)(12) (skirting) of this ordinance on or before January 1, 1993, or the use thereof shall be terminated after such date; and,
2. Shall conform to the development standards and requirements of section 731-221(f) subsections 1. through 4. (Special regulations--Screening, landscaping, lighting) of this ordinance on or before January 1, 1993, or the use thereof shall be terminated after such date.

b. Plan approval. A plan for each such nonconforming project shall be filed with the Division of Planning of the Department of Metropolitan Development and approved by the Administrator thereof in accordance with the following schedule. Within ninety (90) days after the effective date of this ordinance, a plan shall be filed setting forth a legal perimeter description. The number of mobile dwelling sites, location of streets, light poles, and the existing nature of perimeter landscaping or visual screening shall be indicated. Within three (3) years after the effective date of this ordinance, a plan for compliance or a statement of existing compliance shall be filed setting forth the proposed or existing manner of compliance with section 731-215(b)(17)a. of this ordinance. The project's required development in conformity with provisions of this

ordinance specified in paragraph a. above shall be in accordance with such approved plan.

As a part of such plan approval, the Administrator of the Division of Planning shall have power to modify any screening or landscape requirements deemed by the Administrator to be unnecessary, infeasible or unreasonably burdensome.

c. Appeals. In all subsections of this section where the Administrator is given the authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval through the filing of an Approval Petition. The right to have such action of the Administrator reviewed by the Metropolitan Development Commission shall be in addition to any other right an aggrieved party may have under law to have such action reviewed, including but not limited to the right to appeal such action to the Metropolitan Board of Zoning Appeals of Marion County, Indiana.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. 24, 1995, § 1(A); G.O. 97, 1995, § 1(B); G.O. 2, 2002, § 7)

**Sec. 731-216. D-12 dwelling district twelve regulations.**

Statement of purpose. The D-12 district represents a relatively low density level of residential development utilizing two-family dwellings. The district permits a subdivision consisting entirely of such dwellings, but at a density comparable to single-family development. Proximity to major thoroughfares, public utilities, school and park facilities is necessary. The D-12 district has a typical density of five (5) units per gross acre. The district represents the low density residential classification according to the comprehensive general land use plan. All public and community facilities are required. Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site considerations, including vegetation, topography, drainage and wildlife.

**(a) Permitted D-12 uses.** The following uses shall be permitted in the D-12 district. Only one primary use shall be permitted per lot. All uses in the D-12 district shall conform to the D-12 development standards (section 731-216(b)) and the dwelling district regulations of section 731-200.

- (1) Primary uses.
  - a. Two-family dwelling.
  - b. Group home, as defined in section 731-102.
  - c. Religious use, as regulated in section 731-224.
- (2) Temporary uses, as regulated in section 731-218.
- (3) Accessory uses, as regulated in section 731-219.
- (4) Home occupations, as regulated in section 731-220.

**(b) D-12 development standards.**

- (1) Minimum lot area: Nine thousand (9,000) square feet.

Provided, however, any plat of a subdivision consisting of five (5) or more lots submitted for plat approval in accordance with the Subdivision Control Ordinance of Marion County, Indiana, subsequent to the effective date of this ordinance may reduce said minimum lot area for up to twenty (20) percent of the total number of lots within said plat, to the extent of up to twenty (20) percent below such nine thousand (9,000) square foot requirements, provided the average size of all lots within said approved plat shall be at least nine thousand (9,000) square feet.

Provided, however, attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in this district for lots in any plat of a subdivision recorded after January 1, 1990.
- (2) Minimum lot width and street frontage.
  - a. Minimum lot width at the setback line: Seventy (70) feet.
  - b. Minimum street frontage: Each lot shall have at least thirty-five (35) feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.
- (3) Minimum setback lines and yards.
  - a. Minimum setback line and front yard: Front yards having a minimum depth in accordance with the setback requirements of section 731-221(a) shall be provided along all public street right-of-way lines.

b. Minimum rear yard: Twenty (20) feet.

c. Minimum side yard: Aggregate, ten (10) feet; provided, however, no side yard shall be less than four (4) feet.

(4) Minimum open space: Sixty-five (65) percent of the lot area.

(5) Maximum height.

a. Primary building: Thirty-five (35) feet.

b. Accessory buildings: Twenty (20) feet.

(6) Minimum main floor area. Minimum main floor area of the primary building, exclusive of garage, carports, and open porches:

- One-story building: Nine hundred (900) square feet for each dwelling unit.
- Building higher than one story: Six hundred sixty (660) square feet for each dwelling unit in the building, provided the total floor area of each unit shall be at least nine hundred (900) square feet.

(7) Off-street parking and public streets. Off-street parking areas and public streets shall be provided in accordance with section 731-221(e) and (c).

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(H), 2-24-92)

**Sec. 731-217. D-P planned unit development district regulations.**

Statement of purpose. The planned unit development district (D-P) is established for the following purposes:

- a. To encourage a more creative approach in land and building site planning.
- b. To encourage and efficient, aesthetic and desirable use of open space.
- c. To encourage variety in physical development pattern.
- d. To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing needs of the county.
- e. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize the area.
- f. To permit special consideration of property with outstanding features, including but not limited to historical significance, unusual topography, landscape amenities, and size and shape.
- g. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P district. The D-P district is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.

**(a) Permitted D-P uses.** The following uses shall be permitted in the D-P district. Only one primary use shall be permitted per lot. All uses in the D-P district shall conform to the dwelling district regulations of section 731-200.

- (1) Primary use: planned unit residential development, pursuant to the D-P terms and conditions (section 731-217(b)).
- (2) Group home, as defined in section 731-102.
- (3) Temporary uses, as regulated in section 731-218.
- (4) Accessory uses, as regulated in section 731-219.
- (5) Home occupations, as regulated in section 731-220.
- (6) Nonresidential uses, designed to provide an integrated amenity to the planned unit residential development and to serve primarily as a convenience to the immediate neighborhood where office functions, compatible office-type businesses, certain public and semipublic uses and a limited range of retail sales and personal, professional and business services provided are tempered by the merits of the residential elements of the development, and which are an integral part of a residential development logically oriented to and coordinated with the total planned unit residential development, as regulated in section 731-217(b).
- (7) Religious uses, as regulated in section 731-224.

**(b) D-P terms and conditions.**

**(1) Filing procedure.**

- a. The authorization of a planned unit development shall be subject to the procedures expressed herein.
- b. A petition for a planned unit development may be initiated by the owners of property of fifty (50) percent or more of the area involved in the petition, or may be initiated by the Metropolitan Development Commission.
- c. The petition which shall include a preliminary plan for any area proposed for development as a planned unit development shall be filed with the Division of Development Services of the Department of Metropolitan Development. The preliminary plan shall include:
  1. Proposed layout of streets, open space, and other basic elements of the plan.
  2. Identification of location and types of uses within the area, including proposed densities of said uses.
  3. Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal and other pertinent development features.
  4. The plan shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. Any land within the area to be zoned that is now owned by the petitioners shall be so identified.
  5. A general statement of any covenants or commitments to be made a part of the planned unit development as well as the order and estimated time of development.
  6. A statement of the order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.
  7. Proposed perimeter treatment including details of building locations, parking, and landscaping. The proposed perimeter treatment shall include all areas within the project within one hundred (100) feet of the boundary of the project unless a larger area is requested by the Administrator.
- d. The preliminary plan shall be presented in triplicate and to a scale not to exceed one inch equals one hundred (100) feet. The preliminary plan may be a freehand drawing and may include any graphics which will explain the features of the development.
- e. Within twenty-five (25) days after filing, the Administrator, or designated representative, shall consult with the petitioner regarding the petition. After such consultation, the petitioner may make modifications to the petition.
- f. After consultation with the Administrator and after making any modifications to the proposed preliminary plans, the petitioner shall file in triplicate a "final proposed preliminary plan" which shall:
  1. Include all documents included in the preliminary plan.
  2. Include an index identifying all documents included in the preliminary plan.
  3. Include a cover sheet indicating that it is the final proposed preliminary plan and indicating the date and case number.



4. Be bound or stapled together and all documents therein reduced to a size no larger than eight and one-half (8 1/2) by fourteen (14) inches.

(2) [Reserved.]

(3) Preliminary plan hearing.

a. The petition, if and so modified, shall then be heard by the Metropolitan Development Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may approve, amend, or disapprove the plan and may impose any reasonable condition upon its approval. If approved, the preliminary plan shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President or Vice-President of the Commission and one copy shall be permanently retained in the offices of the Division of Development Services.

b. The approved preliminary planned unit development shall then be certified to the City-County Council for adoption as a D-P district pursuant to the laws governing adoption of zoning ordinances. Upon adoption by the City-County Council, the planned development shall be returned to the Department of Metropolitan Development, Division of Development Services, which shall thereafter exercise continuing jurisdiction. In the exercise of continuing jurisdiction, the Commission may from time to time approve modifications of the approved preliminary planned unit development in a manner consistent with the approved development concept.

(4) Detailed plan approval.

a. Before any development takes place, the Administrator shall approve a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and architectural features of proposed buildings. Such approval shall be conditioned upon a finding by the Administrator that the detailed plan is consistent with the approved preliminary planned unit development.

b. The approved detailed plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the Administrator and one copy shall be permanently retained in the offices of the Division of Development Services.

c. Approval of the first phase of the detailed plan shall be obtained within two (2) years and approval of the balance of the detailed plan shall be obtained within five (5) years after adoption of the D-P district by the City-County Council.

d. If all or a part of the planned unit development requires platting, only a preliminary plat shall be required within the said two-year period and final platting may be undertaken in sections or phases at a later time. In cases of platting, plat approval shall be conditioned, in part, upon a finding that the plat is consistent with the approved preliminary planned unit development.

e. In the exercise of continuing jurisdiction, the Administrator may from time to time approve modifications of the approved detailed planned unit development in a manner consistent with the approved preliminary planned unit development.

f. A refusal by the Administrator to approve a detailed plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to seek approval at a later date nor shall it impair the right of the petitioner to obtain an extension of time for approval. Petitioner may, however, appeal to the Commission from the Administrator's refusal to approve a detailed plan.

g. In the event that the approval of a detailed plan is not timely obtained, the Commission may initiate an amendment of the zoning ordinance relating to said land.

h. The approved preliminary plan may provide for development of the property involved in phases. If such phasing is permitted, the petitioner may submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire planned unit development.

i. Approval shall expire after a period of five (5) years from the approval of a detailed plan unless the development is fifty (50) percent completed in terms of public improvements, including streets, parks, walkways, utility installations and sanitary sewers.

(5) Platting and vacation. Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plat Committee of the Metropolitan Development Commission shall handle such matters in accordance with its regular procedures, but it is not required to adhere to the qualitative and quantitative requirements of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13, as amended), where such requirements are not in keeping with an approved planned unit development and are not necessary to safeguard the public health, safety, morals, or welfare.

(6) Covenants and maintenance.

a. Covenants, when required by the Commission, shall be set forth in detail and shall provide for an automatic termination date, or, in the alternative, a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Administrator upon authorization by the Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Commission as well as other parties designated by the Commission, and shall be specifically enforceable by the Commission.

b. The Commission may require the recording of covenants for any reasonable public or semipublic purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semipublic purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Commission a modified detailed plan for such land, otherwise consistent with the approved preliminary planned unit development.

c. The Commission may require the recording of covenants for any other reasonable purpose, including but not limited to imposing standards for development of property in a planned unit development. Such development standards may include, but are not limited to, requirements as to the following:

1. Lot area.
2. Floor area.
3. Ratios of floor space to land area.
4. Area in which structures may be built ("buildable area").
5. Open space.
6. Setback lines and minimum yards.

7. Building separations.
8. Height of structures.
9. Signs.
10. Off-street parking and loading space.
11. Design standards.
12. Phasing of development.
13. Bikeways and walkways.
14. Landscaping.

d. The petitioner may be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13, as amended).

e. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities, including private streets jointly shared by such property owners if such facilities are a part of the planned unit development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

f. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

g. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

(7) Recording. All approved detailed planned unit developments and modifications thereof shall be recorded in the Office of the Marion County Recorder within two (2) years after approval.

(8) Permit. No Improvement Location Permit shall be issued for a D-P district unless all recording required by section 731-217(b)(5) has been effected. No Improvement Location Permit shall be issued for a D-P district which fails to adhere to the approved detailed planned unit development.

(9) Construction.

a. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefor (as required by Section 2.06 of the Subdivision Control Ordinance of Marion County, Indiana, Ordinance 58-AO-13, as amended) have been submitted to the Administrator and the petitioner has, at least twenty-four (24) hours in advance, notified the Administrator of his intention to begin such work, in order that inspections may be made as the work progresses.

b. All development shall be in conformity with the approved detailed planned unit development and any material deviations from the approved detailed planned unit development shall be subject to appropriate enforcement action.

(10) Extensions, abandonment, expiration.

a. Extensions of the time for accomplishing any matters set forth herein may be granted by the Administrator for good cause shown. In the event the Administrator disallows a requested extension, the petitioner may appeal said determination to the Commission.

b. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved detailed planned unit development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the expiration of a detailed planned unit development for a development which has not been completed (or the expiration of an extension granted by the Commission pursuant to section 731-217(b)(10)a), the Commission may initiate an amendment to the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

(11) Rules of procedure. All proceedings brought under this section shall be subject to the Rules of Procedure of the Metropolitan Development Commission, where not inconsistent with the procedure otherwise stated herein.

(12) Limitation on rezoning. The Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a planned unit development before completion of the development as long as development is in conformity with the approved detailed planned unit development and is proceeding in accordance with the time requirements imposed herein.

(G. O. No. 100, 1989, § 2, 11-20-89)

**Sec. 731-218. Temporary uses.**

**(a) Permitted temporary uses.** The following temporary uses shall be permitted in all dwelling districts, subject to the temporary use requirements of section 731-218(b).

- (1) Temporary office;
- (2) Model home; or
- (3) Equipment storage;

each incidental and necessary for the sale, rental, lease of, or construction of, real property or premises in the zoning district and located on the same lot or project.

**(b) Temporary use requirements.** Temporary uses shall be subject to the following requirements in addition to all other regulations of the applicable dwelling district.

- (1) For temporary offices or model homes only, adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.
- (2) No public address systems or other noise producing devices shall be permitted.
- (3) Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
- (4) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
- (5) No temporary Improvement Location Permit shall be issued for a model home until a site or landscape plan, if required, has been approved by the Administrator. An Improvement Location Permit is not required for temporary offices or equipment storage, per the Improvement Location Permit Ordinance, 68-AO-11, as amended (Code of Indianapolis and Marion County, Appendix D, Part 17).
- (6) A temporary Improvement Location Permit for a model home shall be valid for a maximum of eighteen (18) months. An extension of time, not to exceed one hundred eighty (180) days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the temporary Improvement Location Permit.
- (7) No later than thirty (30) days after the termination date of the temporary Improvement Location Permit, the site must be returned as nearly as reasonably possible to its condition prior to the issuance of the temporary Improvement Location Permit, or a permanent Improvement Location Permit shall be obtained for any improvements which are to remain.

(G. O. No. 100, 1989, § 2, 11-20-89; G.O. 46, 1997, § 1(C))

**Sec. 731-219. Accessory uses.**

**(a) Permitted accessory uses.** The following accessory uses shall be permitted in all dwelling districts, except the D-11 dwelling district (see section 731-215(a)(5) for permitted accessory uses in this district), subject to the accessory use requirements of section 731-219(b) and the dwelling district regulations of section 731-200:

**(1) Garages; carports; porches; decks; awnings; canopies; mini-barns; storage sheds; patios; outdoor fireplaces; porte-cocheres; bathhouses; cabanas; children's playhouses; swings and other play structures or equipment; greenhouses** and other accessory buildings or structures similar and comparable in character to these permitted uses. (See additional requirements of this section.)

**(2) Off-street parking areas**, as regulated in section 731-221(e).

**(3) Signs**, as regulated by The Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

**(4) Private swimming pools, hot tubs and similar structures** (see additional requirements of this section).

**(5) Amateur radio sending and receiving antennas**, provided the height thereof (including masts) shall not exceed seventy-five (75) feet measured from finished lot grade at the base of the antennas and further provided that such antennas shall not be located in the front yard as established by the building line of the existing primary building.

**(6) Management office in multifamily districts and other facilities normally associated with tenants' convenience, such as clubhouses, recreational facilities, laundry facilities, maintenance facilities**, provided, however, there is no exterior storage or display.

**(7) Underground storerooms** either attached to other permitted structures or constructed separately. (See additional requirements of this section.)

**(8) Residential occupancy by domestic employees employed on the premises**, provided that the occupancy occurs within the primary building and that no alteration is made to the unit to create a room or rooms not accessible from the interior.

**(9) Foster family care** where care is provided for children unrelated to the residents by blood or adoption; provided that no sign shall be displayed, and that care is provided for no more than five (5) such children.

**(10) Child care home**, as defined in section 731-102 and as regulated by IC 12-17-2 and rules adopted by the Division of Family Resources or the Division of Fire and Building Safety of the State of Indiana. For purposes of this chapter, a child care home shall not be considered a home occupation.

**(11) Storage or parking of recreational vehicles.** (See additional requirements of this section.)

**(12) Game courts**, including tennis courts and basketball courts. (See additional requirements of this section.)

**(13) Common recreation facilities**, provided such facilities are dedicated to the public and accepted, owned by a homeowners' association, owned by the project owners, or are in similar type of control; and, provided that the facilities are either open to the public (if dedicated to the public and accepted) or to all the residents in the association or the project.

**(14) Satellite dish antennas.** (See additional requirements of this section).

[G.O. 3, 2007]

**(b) Accessory use development standards.** Accessory uses in all dwelling districts shall comply with the following requirements:

**(1) General accessory use requirements.** Accessory uses:

- a. Shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot.
- b. Shall be operated and maintained under the same ownership and on the same building lot as the primary use.
- c. Shall be subordinate in area, bulk, extent, and purpose to the primary use of the building served.
- d. The height of an accessory building or structure shall be less than or equal to that of the primary structure.
- e. The total square footage of all accessory buildings on a building lot shall not exceed seventy-five (75) percent of the main floor area of the primary building, except that a detached garage, which is the only accessory building on the lot, may equal the maximum dimensions of twenty- four (24) by thirty (30) feet provided that the total square footage of the garage is less than or equal to the main floor area of the primary building.
- f. Unless otherwise specified in this ordinance, detached accessory buildings:
  1. Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the dwelling district, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater;
  2. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 dwelling districts shall not be located closer to any rear lot line than five (5) feet;
  3. Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building.
  4. Shall not be permitted on a lot prior to the erection of the primary building.
  5. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.
- g. Patios, decks, terraces having a horizontal area within eighteen (18) inches of grade level, shall not require an Improvement Location Permit.

**(2) Appurtenances.**

- a. Such appurtenant features as walks, drainage installations, mailboxes, lamp posts, bird baths, air conditioning units and structures of similar and comparable nature, shall be permitted on any lot.

Provided, however, the front yard of any lot may contain only enough paving, gravel or similar material sufficient for reasonable access to and from the off-street parking area. The remaining front yard shall be landscaped in grass, shrubbery, trees or hedge, or in combination with other similar and suitable vegetative ground cover materials.
- b. The growing of vegetables, grasses, fruits, flowers, shrubs, vines, and trees shall be permitted on any lot, provided such operations are not for profit. In the D-A dwelling district, the growing of such items may be for profit.
- c. Structural barriers (including, by way of example, a chain link or solid fence, architectural screen, lattice-work or masonry wall), dense landscape plantings

(including, by way of example, a continuous hedge of deciduous or evergreen shrubs), shrubs and trees shall be permitted in front, side and rear yards provided that:

1. The height of any structural barrier shall not exceed six (6) feet.

Provided, however:

- i. Any structural barrier in the required front yard shall not exceed forty-two (42) inches in height. This provision (i), shall not apply:

(a) To corner lots in Development Area One, as noted in the Thoroughfare Plan for Marion County, Indiana and reproduced in section 731-102 as Diagram J.

For corner lots in Development Area One:

1. Fences up to six (6) feet in height may be permitted in any front yard which: 1. does not serve as the primary entrance (that which architecturally is designed as the main or "front door") for the dwelling; and, 2. does not face the primary entrance of a dwelling unit across the street.
2. Fences exceeding forty-two (42) inches in height shall not encroach beyond the building line established on the other street frontage.

(b) To any D-6, D-6II, D-7, D-8 (multifamily only), D-9, and D-10 Districts where the linear street frontage of the project exceeds five hundred (500) feet.

For multifamily projects in the above Districts:

1. Fences or structural barriers up to six (6) feet in height may be permitted in any front yard which exceeds five hundred (500) linear feet of frontage.
2. For sites which have frontage on two (2) streets, a fence or structural barrier may be up to six (6) feet in height only if the applicable street frontage exceeds five hundred (500) linear feet.

2. The measurement of fence height shall be taken from the ground level to the top of the fence, exclusive of fence posts (See section 731-102, Diagram G).

3. Grade mounding, inconsistent with the ground level of the land surrounding the fence, which increases the elevation of the fence, shall be included in the measurement of the fence height (See section 731-102, Diagram H).

4. Fence posts may exceed the maximum height by one (1) foot (See section 731-102, Diagrams G, H, or I).

5. The fence itself may exceed the maximum height by an amount equal to the accompanying drop in topography along the linear run of the fence at that portion of the lot, and shall only exceed the maximum height at that location. In no case, however, shall the fence height exceed eight (8) feet (See section 731-102, Diagram I).

6. Barbed wire, razor wire and similar type wires shall not be permitted in any residential district as a part of a structural barrier except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.



7. No structural barrier shall be electrified in any manner which could provide for an electrical shock if touched except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.

**(3) Additional requirements for swimming pools, hot tubs and similar structures.** The following additional requirements shall apply to swimming pools or hot tubs:

- a. A swimming pool or hot tub shall not be located in or on any front yard or closer to any side lot line than the required minimum side yard setbacks of the dwelling district or located closer to any rear lot line than five (5) feet.
- b. The pool or tub area shall be enclosed by either a:
  - safety pool cover, as defined by, and meeting the specifications of 675 IAC 20-4-27(c); or
  - fence or other structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. Said fence or structural barrier shall be a chain link fence, ornamental fence, solid fence, solid wall, or combination thereof. The height of said fence or structural barrier shall be no less than: five (5) feet if fence or structural barrier is erected on grade; or, thirty-six (36) inches if fence or structural barrier is erected on the raised deck or top of the pool wall of an aboveground pool or hot tub.

In no instance, shall the combined height of fence or structural barrier and pool be higher than ten (10) feet.

- c. Abandoned or unused swimming pools or hot tubs, situated on premises which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.
- d. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code, and the National Electrical Code, current editions, and until an Improvement Location Permit has been obtained.
- e. All pools or hot tubs, which are less than eighteen (18) inches above grade level, shall not be considered as part of the building area, as defined in section 731-102.

(Amended G.O. 63, 2005)

**(4) Additional requirements for underground storerooms.** The following additional requirements shall apply to all underground storerooms:

- a. An underground storeroom shall not be located in or on any front yard or closer to any side or rear lot line than the required minimum side and rear yard setbacks of the dwelling district.
- b. No underground storeroom shall be erected or constructed until an Improvement Location Permit has been obtained.

**(5) Additional requirements for recreational vehicles.** The following additional requirements shall apply to the parking or storage of recreational vehicles:

- a. Recreational vehicles may be parked or stored inside permitted buildings or outside in such a manner that no part of any such vehicle shall project into any required side or rear yard as established by the ordinance. Provided further, no part of any such vehicle

shall be parked or stored outside in the front yard of the lot other than on the hard-surfaced area of the driveway or interior access drive.

b. Not more than two (2) recreational vehicles shall be permitted to be parked or stored in the open on the same building lot at any one time.

c. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes in any dwelling district.

**(6) Additional requirements for game courts.** The following additional requirements shall apply to game courts:

a. Game courts shall not be located closer to any front, side or rear lot line than the required minimum front, side and rear yard setbacks of the dwelling district, nor shall any part of a game court project beyond the front building line as established by the existing primary building. Basketball goals, however, may be located along a driveway.

b. Game courts shall not be considered as building area, as defined in section 731-102.

c. No game court lighting shall produce glare creating a hazard or nuisance perceptible from any point beyond the lot line. Provided, however, no game court in a D-A, D-S, D-1, D-2, D-3, D-4, D-5 or D-5II dwelling district shall be lighted.

d. Fences built as a component of a regulation game court shall not be subject to the fence height limitations of section 731-219(b)(2)c. Fences which are components of game courts shall not exceed ten (10) feet in height.

**(7) Additional requirements for porches, patios, decks and canopies.** The following additional requirements shall apply to porches, patios, decks and canopies:

- a. Porches, patios and decks, with the exception of attached open railings, shall not be constructed or erected higher than eighteen (18) inches above grade level at any point without having first obtained an Improvement Location Permit.
- b. Porches and patios shall be located no closer than four (4) feet from any property line.
- c. No permanent roof, canopy or similar permanent structure shall be built or established to extend over any porch, patio or deck, other than an eave or cornice overhang from the primary structure, unless the roof or canopy complies with the setback requirements of the dwelling district.
- d. Porches, patios and decks eighteen (18) inches in height, or over, above grade level shall comply with all front and side yard setback requirements of the district and with the rear yard setback requirements for accessory buildings; except, however, open stairs and railings, attached to these structures may encroach into required yards.

**(8) Additional requirements for antennas.**

a. Statement of purpose. The regulations of this subsection are intended to allow antennas to be located in all dwelling districts in a manner that:

1. Does not unreasonably delay or prevent the installation, maintenance or use of the antenna;
2. Does not unreasonably increase the cost of installation, maintenance or use; or
3. Preclude reception of an acceptable quality signal.

b. Objectives. The regulations of this subsection are intended to accomplish the following objectives:

1. Health and safety: The regulations protect the public and safety to the degree that the improper installation of antennas can endanger the lives and property of persons on the property or surrounding property if they collapse or are felled by high winds or ice.
2. General welfare/aesthetic: The regulations limit visual blight by sensitive placement of antennas, as the injudicious location of such antennas, including guy wires, poles, masts, cables and other appurtenant devices can create visual blight offensive to those who reside, work and travel in the city and contrary to the city's comprehensive plan. Further, these regulations are intended to meet these objectives without unnecessarily burdening the federal interests in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers.

c. Requirements. The requirements of this subsection shall apply to any antenna which is greater than one (1) meter/39.37 inches in diameter or diagonal measurement.

1. Installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.

2. The maximum height for a ground-mounted antenna shall not exceed the maximum height of an accessory structure permitted by that district (see section 731-219(b)(1)).

3. In any dwelling district, roof-mounted antennas may be permitted, subject to demonstration by the applicant that compliance with section 731-219(b)(8)c.a. and b. of this ordinance would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.

4. The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.

5. All applications for Structural Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.

6. All roof-mounted installations shall be contained within the area of the roof.

d. Limitation on enforcement. No requirement contained in this subsection, section 731-219(b)(8), shall be enforced to the extent it:

1. Unreasonably delays or prevents installation, maintenance or use of an antenna; or
2. Unreasonably increases the cost of installation, maintenance, or use of an antenna; or
3. Precludes reception of an acceptable quality signal by an antenna.

**(c) Nonpermitted accessory use activities.** No accessory use which is not specifically permitted under section 731-219(a) shall be permitted as an accessory use in any dwelling district. In addition, the following activities are strictly prohibited in all dwelling districts:

**(1) Dismantling, repairing or restoring of vehicles in dwelling districts:** No person shall dismantle, repair, restore or otherwise perform any work on any vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any property in a dwelling district. In addition, any work performed shall be:

- a. Incidental to a permitted use; and,
- b. Completely within a garage or carport; or,
- c. Completely within an area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier (either a wall or fence of ornamental block, brick, wood, or combination thereof) of six (6) feet in height.

**(2) Storing of inoperable vehicles in dwelling districts:** no inoperable vehicle shall be stored, maintained or kept on any property in a dwelling district unless such device is:

- a. Owned or leased by the resident of the property on which it is stored or by a member of that person's family; and further is,
- b. Completely within an accessory structure.

**(3) Storing of commercial motor vehicles in dwelling districts:** No commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in a dwelling district unless:

a. The vehicle has a maximum load capacity of three-quarters (3/4) of a ton or less; and

1. Serves as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept; or

2. Such vehicle is within a garage or carport which complies with all the standards and regulations of this ordinance.

b. Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

(G.O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(C), 8-27-90; G.O. No. 4, 1992, § 1(K)--(N), 2-24-92; ; G.O. 99, 1993, § 1; G.O. 24, 1995, § 1(B), (C); G.O. 46, 1997, § 1(D), (E); G.O. 47, 1997, § 1(F), (G); G.O. No. 63, 2005 § 7-11-05)

**Sec. 731-220. Home occupations.**

**(a) Permitted home occupations.** Certain professions and domestic occupations, crafts and services defined below as "permitted home occupations" shall be permitted in all dwelling districts (except the D-11 district) and in any other zoning district in Marion County permitted dwelling uses, provided that each such home occupation complies with all requirements set forth in subsection (b) hereof.

Professions and domestic occupations, crafts or services which, as typically carried out, can be conducted in a dwelling without impairment of the use thereof as a place of residence and with no detrimental effect upon adjacent residential properties, as permitted home occupations. Examples of professional services which constitute permitted home occupations include law, medicine, dentistry, architecture, engineering, real estate brokerage, tutoring, writing, painting, music instruction, photography and such services as are provided by clergyman, insurance agents, notaries public and manufacturer's agents. Examples of domestic occupations, crafts and services which constitute permitted home occupations include dressmaking, millinery, sewing, tailoring, weaving, hair grooming, washing, ironing and cabinet making.

For purposes of this ordinance, a child care home shall be considered an accessory use, and not a home occupation.

**(b) Home occupation requirements.** Permitted home occupations shall comply with each of the following requirements:

- (1) The primary use of the dwelling unit shall remain residential.
- (2) The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than six hundred (600) square feet or thirty (30) percent of the total square footage of the dwelling unit, whichever is lesser, shall be used in connection with the home occupation(s). The six hundred (600) square feet or thirty (30) percent area which may be used in the conduct of the home occupation(s) shall include all areas in the dwelling unit which are in any way devoted to the operation or conduct of the home occupation.
- (3) All aspects of the home occupation activity that occur on the premises shall be conducted within the dwelling structure in which the operator makes his actual residence. For purposes of this section, only those areas completely enclosed by walls and under the same roof system as the living quarters shall be considered a part of the dwelling structure".
- (4) The operator of the home occupation(s) shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence. This means that the operator, in addition to making the dwelling unit his place of legal residence, shall also carry out more of the activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life in the dwelling unit where the home occupation(s) is being conducted than are carried out at any other place.
- (5) No one may participate in or assist with the conduct or operation of home occupation except:
  - a. Individuals who meet the same residence requirements, set forth in paragraph (4) above, as must be met by the operator of home occupation;
  - b. A nonresident assistant, subject to the following requirements and limitations:
    - (1) Participation by the nonresident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation -- as, for example, the services of a nurse, receptionist or clerical assistant in the home occupation of a physician.

- (2) The nonresident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional practitioner of the professional, craft or occupational service of the operator, or as a partner or professional associate thereof.
  - (3) Participation by the nonresident assistant shall be limited to forty-five (45) hours per week.
  - (4) No more than one (1) nonresident assistant shall be permitted. If more than one home occupation is conducted in the same dwelling unit, a nonresident assistant shall be permitted for only one of the home occupations.
  - (6) No structural alterations shall be effected to the interior of the dwelling which would render it undesirable for residential use.
  - (7) No structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or lot shall be permitted.
  - (8) No additional or separate exterior entrance shall be constructed for the purpose of conducting the home occupation.
  - (9) The dwelling unit shall not be a mobile dwelling unit.
  - (10) The home occupation(s) shall not regularly attract more than four (4) individuals simultaneously onto the premises for reasons related to the home occupation(s) and shall not generate significantly greater traffic volume than would normally be expected in the particular residential area in which the home occupation(s) is conducted.
  - (11) No provision for off-street parking or loading facilities, other than requirements of the applicable Dwelling District, shall be permitted. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway, to serve such home occupation, shall be permitted.
  - (12) No display of goods or external evidence of the home occupation shall be permitted other than a window or wall sign as permitted by the Sign Regulation of Marion County, Indiana, 71-AO-4, as amended (section 3.20, On-Premises Signs: Dwelling Districts).
  - (13) No goods, commodities or stock in trade shall be received, retained, used, stored on or physically transferred from the premises except for:
    - a. A reasonable number of samples needed in the home occupation, or
    - b. Those goods, commodities or stock in trade, a substantial portion of the value of which is or will be attributable to work or services performed by the operator of the home occupation on the premises as a part of the operation of the home occupation.
- Nothing in this paragraph shall be deemed to preclude receipt, retention, use or storage of:
- a. Equipment or devices, such as medical instruments in the case of a physician, necessary to the conduct of the home occupation;
  - b. Materials, such as paint and canvas in the case of an artist, needed to produce a finished product or perform a service in the operation of the home occupation on the premises;
  - c. Items of tangible property, such as legal documents in the case of an attorney, transferred in connection with the performance of personal services by the operator of the home occupation; or
  - d. Items of tangible property, such as clothing in the case of a tailor, to be repaired, altered, or serviced by the operator of the home occupation on the premises.

(14) No electrical or mechanical equipment shall interfere with local radio and television reception.

(15) Hours of operation of the home occupation shall not interfere with use and enjoyment of adjacent residential properties.

(16) Permitted home occupations shall comply with all standards set forth in section 2.00, B.

(17) No permitted home occupation shall interfere with the reasonable use and enjoyment of adjacent residential properties.

(G.O. No. 100, 1989, § 2, 11-20-89; G.O. No. 150, 1990, § 1(D), 8-27-90; G.O. 24, 1995, § 1(D); G.O. 46, 1997, § 1(F))



**Sec. 731-221. Special regulations.**

**(a) Minimum setback lines and yards.** Front yards, having a minimum depth in accordance with the following setback requirements, shall be provided along all public street right-of-way lines, and the minimum required building setback lines shall be as follows:

**(1) Expressway, parkway or primary thoroughfare** (as designated on The Official Thoroughfare Plan of Marion County, Indiana). No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than forty (40) feet to any proposed right-of-way line of an expressway, parkway or primary thoroughfare. In the case where a proposed right-of-way line does not exist, the existing right-of-way line shall be used for the setback measurement.

**(2) Secondary thoroughfare** (as designated on The Official Thoroughfare Plan of Marion County, Indiana). No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than thirty (30) feet to any proposed right-of-way line of a secondary thoroughfare. In the case where a proposed right-of-way line does not exist, the existing right-of-way line shall be used for the setback measurement.

**(3) Collector street.** No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than thirty (30) feet to any existing right-of-way line, or sixty (60) feet from the centerline, of a collector street, whichever is greater.

**(4) Local street, marginal access street or cul-de-sac.**

a. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than twenty-five (25) feet to any existing right-of-way line of a local street, marginal access street or cul-de-sac, with the exception of the vehicular turnaround thereof.

b. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than twenty (20) feet to any existing right-of-way line of the vehicular turnaround of a cul-de-sac.

**(b) Attached multifamily dwelling projects, single-family cluster dwelling projects and mobile dwelling projects; site plan requirement to Improvement Location Permit issuance.**

Prior to Improvement Location Permit issuance for any building or structure within an attached multifamily dwelling project, single-family cluster dwelling project, or mobile dwelling project, three (3) copies of the site and landscape plans for the entire project shall be filed with the Department of Metropolitan Development. Also, for an attached multifamily dwelling project, the site and landscape plans shall include a delineation of the proposed major livability space.

**(c) Street requirements.**

**(1) Clear sight triangular area.** The following provisions shall apply to all streets, interior access drives or interior access driveways, whether public or private: All landscape plantings, structural barriers, shrubs, trees, structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one-half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following (See section 731-102, Diagram F):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; and,
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two (2) clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way and driveway or alley lines extended.

**(2) Requirements for public streets.**

- a. All public streets shall be dedicated to the public and improved and constructed in accordance with the standards set forth in the Subdivision Control Ordinance of Marion County, Indiana, and General Ordinance No. 49, 1972, including the Indianapolis Department of Public Works Standards for Street and Bridge Design and Construction.
- b. The right-of-way of all streets within the project, which are indicated on The Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or platting commitment, condition, covenant or parole covenant, to be constructed to specific standards based upon their proposed functional classification shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

**(3) Requirements for all private streets, interior access driveways, and interior access drives for attached multifamily dwelling projects, mobile dwelling projects and planned unit residential developments.**

- a. All private streets, interior access driveways and interior access drives for attached multifamily projects, mobile dwelling projects and planned unit residential developments shall meet the minimum standards for construction, materials for use in construction, and design as specified by the "Standard Specifications," Indiana Department of Transportation (8-17-1-39), the Indiana Department of Transportation Supplemental Specifications, and the Indianapolis department of public works (DPW) Standards for Street and Bridge Design and Construction. In the event DPW specifications conflict with the Indiana Department of Transportation "Standard Specifications," the most stringent specifications shall govern.

The "Standard Specifications" of the Indiana Department of Transportation is incorporated into this ordinance by reference. Two (2) copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Development Services.

Provided, however, that the standard specifications incorporated into this ordinance shall be modified as follows:

- 1. Curbing shall not be required in the development of private streets, private access driveways and private interior access drives for attached multifamily projects.
- 2. Private interior streets, private interior access drives and private interior access driveways for attached multifamily projects, mobile dwelling projects and

planned unit residential developments shall have a minimum width, including gutters, and, if required, curbing, of:

- One-way, no parking: Twelve (12) feet.
- One-way, parking on one (1) side of the street only: Twenty (20) feet.
- Two-way, no parking: Twenty (20) feet.
- Two-way, parking on one (1) side only: Twenty-seven (27) feet.
- Two-way, parking on both sides of the street: Thirty-six (36) feet.

b. Private streets, private interior access drives and private interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.

c. The owner or project management, homeowners' association or other similar organization shall maintain all sidewalks, pedestrian ways, private streets, interior access drives, interior access driveways and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow.

**(d) Reserved.**

**(e) Off-street parking requirements.** Off-street parking facilities shall be provided and maintained, for all uses permitted in the dwelling districts, in accordance with the following regulations:

(1) Number of spaces required.

- a. For every single-family dwelling or two-family dwelling in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 dwelling districts, there shall be provided at least two (2) off-street parking spaces for each unit which may include the parking space(s) provided in a garage or carport.
- b. For every attached multifamily dwelling in the D-6, D-6II, D-7, D-8, D-9 and D-10 dwelling districts, off-street parking spaces shall be provided in accordance with the development amenities of each district.
- c. For every mobile dwelling in the D-11 dwelling district, a minimum of two (2) paved off-street parking spaces shall be provided.

(2) Development requirements.

- a. Parking areas for uses in (1)a. above need not be paved.
- b. Parking areas for uses in (1)b. above shall be subject to the following requirements:
  - 1. Off-street parking areas (including, but not limited to, entrances, exits, aisles, spaces, traffic circulation and maneuverability) shall be designed and constructed at not less than the recommended specifications contained in "Architectural Graphic Standards," Current Edition, Ramsey and Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the offices of the Division of Planning and is hereby incorporated by reference and made a part hereof); except that each parking space shall have, regardless of angle of parking, a usable parking space measuring not less than eight and one-half (8 1/2) feet in width (measured perpendicularly from the sides of the parking space) and at least one hundred fifty (150) square feet of usable parking area.
  - 2. The parking area shall not be used for permanent storage or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.

3. Parking areas shall be paved with bricks, concrete or improved with a compacted aggregate base and surfaced with an asphaltic pavement, to adequately provide a durable and dustfree surface. Parking areas shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris.

4. The surface shall be graded and drained in such a manner that there will be no free flow of water onto sidewalks.

5. The parking area shall have each space delineated by painted lines and shall be provided with curbs, bumper guards or wheel stops so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.

**(f) Screening, landscaping, lighting and grounds maintenance.** Screening, landscaping, lighting and grounds maintenance shall be provided and maintained, for all attached multifamily dwelling projects and all mobile dwelling projects, in accordance with the required landscape plans and with the following regulations:

**(1) Screening:**

a. Front yard of the project: An ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty (50) percent, may be used in conjunction with the required landscaping. Chain link fencing is not permitted. A clear sight triangular area shall also be maintained as regulated in section 731-219(b)(2)c. of this ordinance.

b. Side and rear yard of the project: An ornamental, decorative fence or masonry wall may be used in conjunction with the required landscaping. Chainlink fencing is permitted provided it is black vinyl covered chainlink and does not include slats. A clear sight triangular area shall also be maintained as regulated in section 731-219(b)(2)c. of this ordinance.

Provided, however, if any portion of a mobile dwelling project or a multifamily project abuts land zoned so as to permit single-family or two-family dwellings, the perimeter yard between the project and the district shall be screened and landscaped for the purpose of buffering. In addition to the landscape requirements of section 731-221(f)(2), screening shall be provided and maintained according to the following minimum requirements:

1. Screening shall include any combination of an earthen mound; a solid hedge; a wall or fence of ornamental block, stone, brick, or solid wood fencing; and,

2. Effective screening height shall be at least six (6) feet, as measured from the parking area's grade level, and so constructed to prohibit any view therethrough; and,

3. If fencing is used for screening, such fencing shall be completely opaque when viewed within fifteen (15) degrees of perpendicular to the fence; and,

4. If an earthen mound is used for screening, such earthen mound shall not exceed a maximum height of four (4) feet above grade and the incline shall not exceed a three (3) to one ratio, with the exception of previously existing natural outcroppings.

c. Trash containers. All trash containers exceeding six (6) cubic feet shall:

1. Be completely screened within a solid walled or fenced stall equipped with a self-latching solid gate and buffered by landscaping; and,

2. Be accessible only from an interior access drive of the project; and,
3. Not be located in any required perimeter yard.

**(2) Landscaping:**

- a. All required perimeter yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as trees, shrubs, grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g., woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall be limited to only twenty (20) percent of the area of the required yard in which it is used.
- b. Within the perimeter yards, there shall be at least one (1) tree planted or maintained for every thirty (30) feet of total linear distance along all perimeter yard property lines. Required trees may be grouped together in the perimeter yard, however, in no case shall spacing between said trees exceed sixty (60) feet on center. (Refer to Diagram E.)
- c. All parking areas adjacent to required perimeter yards shall be screened along the perimeter yard with a solid hedge. Screening may include the combination of said solid hedge and earthen mound, provided the effective screening height shall be at least thirty-six (36) inches above the parking area's grade level at the time of planting and the maximum incline of the earthen mound shall not exceed a three (3) to one (1) ratio with the exception of previously existing, naturally occurring outcroppings.
- d. Within mobile dwelling projects, at a minimum, one (1) tree shall be planted or maintained on every mobile dwelling site. Said required tree shall not be located within any required yard or common recreational area(s).
- e. Required trees shall be deciduous or evergreen with a spreading branch habit. A group of shrubs may be substituted for a required tree, provided however:
  1. That the proposed tree to be substituted is not an existing tree, and
  2. That no more than twenty (20) percent of the required trees are substituted with shrubs, and
  3. That the shrubs are planted or maintained five (5) feet or less on center, and
  4. The shrubs substituted are in addition to any underplanting requirements, and
  5. That a grouping of five (5) shrubs may be substituted for one (1) tree.
- f. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:
  1. Deciduous shade (overstory) trees: Two and one-half (2 1/2) inch caliper at six (6) inches above the ground.
  2. Deciduous ornamental (understory) trees: One and one-half (1 1/2) inch caliper at six (6) inches above the ground.
  3. Multistemmed trees: Eight (8) feet in height.
  4. Evergreen trees: Five (5) feet in height.
  5. Deciduous shrubs: Twenty-four-inch spread or two (2) feet in height.
  6. Evergreen shrubs: Twenty-four-inch spread or two (2) feet in height.
- g. Deciduous and evergreen shrubs when used for required hedges shall be planted an average of thirty-six (36) inches or less on center within the hedge row.

- h. All trees and shrubs shall be planted, maintained or transplanted in accordance with the standards of the American Association of Nurserymen (a copy of which is on file in the Office of the Division of Planning and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weedfree appearance.
- i. Prior to any construction activity, the removal from any minimum, required yard of any existing deciduous tree over three-inch caliper at six (6) inches above ground or of any existing shrub or evergreen tree over six (6) feet in height, must first be approved in writing by the Administrator. Removal of said tree(s) without written approval from the Administrator, shall require the replanting of replacement tree(s) so that the total number of caliper inches replanted equals or exceeds the total number of calipers removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six (6) months of removal or the next planting season, whichever occurs first. Replacement trees shall not be considered a required tree for the figuring of the minimum number of trees required in any perimeter yard but rather as an additional tree.
- j. All existing trees larger than ten-inch caliper at six (6) inches above the ground which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and storage of construction equipment or materials of any kind shall not be any closer to the tree than the drip line of the tree or ten (10) feet whichever is closer.
- k. Prior to the issuance of an Improvement Location Permit, the Administrator may require a tree survey for a specified time to be completed for a site or portion of a site. Such survey shall become a part of the file and requirements for an Improvement Location Permit. In the case of large, dense tree stands (those exceeding six hundred (600) square feet in area with seventy-five (75) percent branch coverage of the ground surface), the outer boundary of the tree stands' drip line and location with a listing of the predominant species and caliper size may be substituted for a detailed inventory.
- l. The Administrator, upon written request by the applicant and upon receiving a suitable alternative landscape plan, shall have the power to modify any landscape requirements deemed by the Administrator to be infeasible or unreasonably burdensome. Such modification shall be written and become a part of the file and requirements for the Improvement Location Permit.

**(3) Landscape plan:** A landscape plan shall:

- a. Be drawn on a copy of the site plan (or a simplified scale drawing thereof) showing exact location, outlines and dimensions of all structures, buildings, mobile dwelling sites, mobile dwelling paved stands, patios, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, perimeter yards, adjacent property uses and physical features, and all underground and overhead lines with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided; and,

- b. Show dimensioned detailed elevation or section drawings of any trash enclosures, walls, fences, and signs (including sign content); and,
- c. Show all existing elevations and proposed land contour lines having at two-foot intervals; and,
- d. Show location and nature of existing and proposed drainage systems and their flow; and,
- e. Include a tree survey indicating the exact location of existing trees of over two and one-half (2 1/2) inch caliper one (1) foot above the ground and all flowering trees, shrubs and evergreens; all being accurately labeled in the drawing as existing (to remain), existing to be removed or to be transplanted with species and caliper size indicated. Exception: those trees and shrubs located in natural vegetation areas (e.g., woods, thickets or meadows) that will not be developed, but will be left and maintained as a natural untouched area may be indicated by the delineation of the area's outer boundary; and,
- f. Show all proposed plantings and transplantings with plants and plant groups labeled in the drawing as to quality, species, shape, size, spacing (on centers), and purpose (visual or noise abatement screen, hedge, specimen or ground cover).

**(4) Lighting:**

- a. All access drives, interior streets, interior access drives, intersections, dead ends, culs-de-sac, apices of curves, parking areas, open storage areas, walks and passive and active recreation areas shall be provided with lighting devices to adequately illuminate the areas.
- b. Street or pedestrian lighting devices may be mounted at heights beginning at (or slightly below) ground level to forty-two (42) inches above ground or from ten (10) to thirty (30) feet above ground. Spacing of all lighting devices shall be determined by the height above street grade level and maximum footcandles of each device in conjunction with their capacity to provide an adequate lighting level for the required area and use.
- c. Lighting levels for all outdoor areas shall meet the recommended minimum average maintained horizontal footcandle as specified in the "Illuminating Engineering Society Lighting Handbook," Application Volume, current edition (a copy of which is on file in the Office of the Division of Planning and is hereby incorporated by reference and made a part hereof).
- d. All lighting facilities used to illuminate outdoor areas shall be so located, shielded and directed upon the area to be lighted that they do not glare onto, or interfere with, street traffic, adjacent buildings, or adjacent uses.
- e. Lighting devices for active recreational areas and uses shall be equipped with switching devices which allow lighting levels to be changed when the active recreational use ceases and a lower lighting level is sufficient.

**(5) Grounds maintenance.** The project owner or management, homeowners' association or other similar organization shall:

- a. Maintain the entire site in a safe, neat and clean condition; free from litter, trash, debris, junk, and reasonably free of weeds; and,

- b. Maintain all sidewalks, pedestrian ways, interior streets, interior access drives, and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow; and,
- c. Maintain the landscaping by keeping lawns mowed, all plants properly pruned and maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and,
- d. Replace any required planting(s), which are removed or no longer living, within a year or the first planting season, whichever occurs first, except those in naturally occurring vegetation areas, such as thickets.

**(g) Appeal.** In all subsections of this section 731-221, Special regulations, where the Administrator is given authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval through the filing of an approval petition for a detailed plan approval. The right to have such action of the Administrator reviewed by the Metropolitan Development Commission shall be in addition to any other right an aggrieved party may have under law to have such action reviewed, including, but not limited to, the right to appeal such action to the Metropolitan Board of Zoning Appeals of Marion County, Indiana.

**(h) Application of this section.** This section shall be applicable to all dwelling districts except when specified otherwise in the Dwelling District Zoning Ordinance or in the D-P planned unit residential development district where subsections (a) and (e) shall not be applicable.

(G. O. No. 100, 1989, § 2, 11-20-89; G. O. No. 4, 1992, § 1(O), (P), 2-24-92; G.O. 47, 1997, § 1(H); G.O. 2, 2002, § 8)



**Sec. 731-222. Manufactured homes.**

**(a) Permitted manufactured homes.** Manufactured homes, as defined in section 731-102, shall be permitted in all dwelling districts (except D-6, D-6II, D-7, D-9, and D-10) and in any other zoning district in Marion County permitting single-family dwelling uses, subject to the following schedule:

- (1) Manufactured homes shall be subject to the grant of a Special Exception in D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, D-12 and any other zoning district in Marion County permitting single-family dwelling uses, as governed in section 731-222(a)(2).
- (2) Manufactured homes shall be permitted without a Special Exception in the D-3, D-4, D-5, D-5II and D-12 districts if located in a subdivision given final plat approval on or after July 1, 1982.

**(b) Manufactured home requirements.** Manufactured homes shall comply with the following requirements:

- (1) All manufactured homes, except those located in the D-11 district, shall be set onto a permanent foundation and comply with the set up, utility connection and underfloor space requirements set forth in Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, which is incorporated herein by reference.
- (2) A Special Exception shall be granted following application filed with the Board of Zoning Appeals having jurisdiction of the petition by the landowner petitioner, notice to owners of adjoining parcels of land and public hearing by said Board, all in accordance with the Rules of Procedure of the Board of Zoning Appeals only upon the Board's determination that:
  - a. The grant will not be injurious to the public health, safety, morals, convenience or general welfare.
  - b. The grant will not injure or adversely affect the adjacent area or property values therein.
  - c. The manufactured home will be in harmony with the character of the surrounding neighborhood, utilize siding and roofing materials which are aesthetically compatible with the surrounding neighborhood, and constitute a land use authorized in the zoning district.
- (3) The grant of a Special Exception shall be conditioned upon the following requirements:
  - a. The manufactured home shall conform to all development standards of the applicable zoning district.
  - b. The manufactured home shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of Special Exception by said Board; in case of conflict, the more restrictive standards or requirements are to control. The Board may impose reasonable restrictions or conditions in connection with the grant of any Special Exception, but only to the extent necessary to ensure compliance with the conditions and standards set forth in above paragraph (1) and clauses a, b, and c of above paragraph (2).

(G. O. No. 100, 1989, § 2, 11-20-89)

**Sec. 731-223. Reserved.**



**Sec. 731-224. Religious uses.**

**(a) Permitted religious uses.** A religious use, as defined in section 731-102, shall be permitted in all dwelling districts subject to the grant of a Special Exception by the Board of Zoning Appeals having jurisdiction of the petition; and the Board of Zoning Appeals is hereby authorized to grant such Special Exceptions and permit such religious uses in the dwelling districts.

**(b) Religious use requirements.** Religious uses shall comply with the following requirements:

(1) A Special Exception shall be granted by the Board of Zoning Appeals following application filed with the Board by the landowner petitioner (which application shall include a site and development plan as provided for in paragraph B hereof and may include a request for modification of development standards as provided for in paragraph C hereof), notice to owners of adjoining parcels of land and public hearing by said Board: all in accordance with the Rules of Procedure of the Board of Zoning Appeals upon the Board of Zoning Appeals determination that:

- a. The proposed use of the property is a religious use, as defined in section 731-102.
- b. Any adverse impact on the public health, safety, morals or general welfare caused by the grant does not outweigh the restriction on the petitioner's right to religious worship and peaceful assembly.
- c. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.

(2) The landowner petitioner shall file with the application a site and development plan, drawn to scale, which shall include, where applicable:

- a. Proposed use, buildings and structures, including the seating capacities thereof;
- b. Existing uses, buildings and structures, including the seating capacities thereof;
- c. A parking plan, including proposed off-street and on-street parking, demonstrating the number of parking spaces available for the proposed use;
- d. Vehicular entrances, exists and turnoff lanes;
- e. Building setbacks;
- f. Landscaping, screens, walls and fences, including provisions for the preservation of trees;
- g. Exterior lighting;
- h. Signs, including location, size and design thereof;
- i. Sewage disposal facilities;
- j. Storm drainage facilities;
- k. Pedestrian ways;
- l. Other utilities, if above ground facilities are needed; and,
- m. Such other information as the Administrator shall reasonably request.

(3) If applicable, the landowner petitioner shall also file with the application a request for modification of development standards indicating any development standard of the applicable dwelling district to be modified in connection with the grant of a Special Exception.

(4) The grant of such Special Exception shall be conditioned upon the following requirements:

- a. The religious use shall conform to all development standards of the applicable dwelling district, except as specifically modified by the grant of Special Exception.
- b. The religious use shall conform to all conditions attached to the grant of Special Exception by said Board.

The Board, in connection with the granting of any Special Exception, may modify any development standard of the applicable dwelling district, if requested by the landowner petitioner, but the Board need not modify any development standard if it finds that the benefit to the public health, safety or general welfare derived from such development standard outweighs any restriction on the right of freedom of worship and peaceful assembly caused by such development standard.

The Board may impose reasonable restrictions or conditions in connection with the grant of any Special Exception, including restrictions and conditions which are more restrictive than the applicable development standards, if the Board finds that such restrictions or conditions benefit the public health, safety or general welfare, and such benefit outweighs any restriction on the right of freedom of worship and peaceful assembly caused by the imposition of such restrictions or conditions.

(G. O. No. 100, 1989, § 2, 11-20-89)